SUPERVISION OF THE EXECUTION OF JUDGMENTS AND DECISIONS OF THE EUROPEAN COURT OF HUMAN RIGHTS 2018

COUNCIL OF EUROPE
COMMITTEE OF MINISTERS

12th Annual Report
of the Committee of Ministers

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I. Executive summary

The system for the supervision of the execution of the European Court of Human Rights' judgments, strengthened by the reforms undertaken since the Interlaken Conference in 2010, has seen another encouraging year.

At the Council of Europe level, the main focus of the 10-year long reform process has been on ensuring the effectiveness and transparency of the Committee of Ministers' supervision with new working methods and the availability of support for execution in the form of expert advice and cooperation activities. At the domestic level, a main concern has been to develop a good national capacity for the rapid execution of the Court's judgments, including as regards redress to applicants.

The results of these improvements are clearly evidenced by the statistics. Some 2,073 leading cases (that is new cases revealing more general problems) have been closed during the post-Interlaken period, amounting to approximately 75% of all cases closed since 1998. Many of them concern long-standing and complex structural problems which have now been resolved. Of the cases closed in 2018, 289 were leading.

In addition, thanks to the improved national capacities to ensure execution and the new Committee policy of enhanced dialogue with states, large numbers of individual cases have been closed over the last two years. This policy notably comprises a clear acknowledgment of the adoption of individual measures required in repetitive cases through the closure of such cases – supervision of general measures being continued through remaining leading cases.

Progress is also noted with respect to the number of pending leading cases calling for general measures. As a result of the improved execution of such cases in the course of the Interlaken process, the number of such cases pending is for the first time back at pre-2010 figures (1,248 such cases were pending at the end of 2018).

It is particularly noteworthy that record numbers of cases were closed in 2018 concerning the three countries with the highest volume of cases pending before the Committee: 385 cases against the Russian Federation, 372 cases against Turkey and 318 cases against Ukraine.

In total, in 2018, the Committee was able to close 2,705 cases and the total number of cases pending before the Committee is currently its lowest since 2006.

These achievements, and the effectiveness of the system for pan-European democratic security and good state governance cannot be taken for granted. Numerous problems revealed by judgments of the Court remain, some very complex, and others are in sight. Efforts to improve the national implementation of the European Convention and the execution of the Court's judgments must be reinforced and the capacity of the Council of Europe as a whole to provide support must be maintained, if not reinforced.

Croatia
Mr Miroslav PAPA

Finland
Ms Satu MATTILA-BUDICH

France
Mr Jean-Baptiste MATTEI

II. Introduction by the Chairs of the Human Rights meetings

The Interlaken reform process, which was begun in 2010 with the objective of ensuring the long-term effectiveness of the Convention system, is approaching its end. The Committee of Ministers' overall evaluation of the process is due by the end of 2019, at a time when the Council of Europe is facing a serious political crisis.

However, there is already general agreement on one fundamental issue. That is, as underlined in the Copenhagen Declaration of 2018, the Convention system's unique contribution to the protection and promotion of human rights and the rule of law in Europe and the central role it plays in maintaining democratic security and improving good governance across the entire continent.

This encouraging conclusion confirms the political wisdom that brought the Convention system into being. It testifies, as well, to the steadfast commitment of states that have greatly invested over many years in the improvement and effective implementation of that system, especially in response to the historic developments on the continent since 1989. The ambition has been to promote unity and prevent any return to a divided Europe, threatening peace and stability, and to create a Europe of dialogue and cooperation, forming one common legal space, and in which states are respectful of the rights and freedoms of all individuals within their jurisdiction.

The enhanced dialogue between all stakeholders embarked on at Interlaken has been the continuing and eloquent expression of this pan-European ambition. The positive results of the Committee of Ministers' supervision of the execution of the judgments of the European Court in 2018 tend once again to support this conclusion. Indeed, the supervision process demonstrates in a very clear manner the system's capacity to help member States in overcoming problems of many different kinds in a Convention-compliant manner and to maintain the mutual trust necessary for good interstate cooperation. This capacity was well in evidence at the thematic debates held in 2018 on conditions of detention and in 2019 on the duty to investigate serious human rights violations by law enforcement officials.

More generally, the execution process also helps to ensure that domestic authorities are continuously reminded of their obligations under the Convention, and of the need to anchor the values it protects in their national law and practice. This contribution remains essential. Yet persistent shortcomings in the effective national implementation of the Convention remain a major concern. National efforts must thus continue to reinforce the national capacity for rapid execution of the Court's judgments, to improve domestic remedies, to enhance procedures for verifying the Convention compatibility of existing laws and practices as well as of draft legislation, and to develop professional training and university education on the Convention.

Other challenges have also to be addressed. The unconditional character of the obligation to fully execute the Court's judgments must be consistently reaffirmed, against the temptation to put forward domestic or international obstacles. The wider stakes of interstate cases or cases involving several states should not undermine the legal requirements of the execution and the swift implementation of judgments. Cooperation with non-parties to the Convention should be developed in cases where this cooperation is necessary for the execution of the judgment. Domestically, every effort should be made by all stakeholders, including parliaments, when the implementation of the Court's judgments depends on reforms implying a broad national consensus.

An important reason behind the good results of the supervision process is, in our experience, the constructive dialogue regularly conducted between the member States in the Committee of Ministers. This dialogue has been strongly supported during our successive chairmanships. It is through this dialogue that a common understanding, based on the case-law of the Court, is reached on essential points, be it the nature of the execution obligation, the scope of the problems revealed, or the adequacy of action plans or other proposals put forward by the respondent State. All states should in all circumstances participate in this dialogue. The regular presence of the relevant domestic authorities, including, where necessary, at ministerial level, is from this perspective a very welcome practice that we have strongly encouraged. The same is true for the increasing and valuable contribution from civil society, national human rights institutions and other international organisations, including for example the United Nations High Commissioner for Refugees.

Many cases also evidence the importance of the expertise provided by the Council of Europe, whether through its intergovernmental cooperation programmes or its various expert bodies, as well as the specific cooperation and assistance activities which may be offered individual states or groups of states. There were numerous occasions in 2018 when the Committee invited states to take advantage of this support.

Many execution processes have advanced, or are advancing, quickly. A few have encountered substantial problems or obstacles, including an absence of real political will, and thus require intensive discussions and consultations, including at the highest levels, or the involvement of actors from outside the Council of Europe. It is, however, welcome that in no case is the dialogue broken off, so that efforts to find solutions continue. Nevertheless, it is evident that these situations also require significant political and material investment, and may call for confidence-building and cooperation activities. Problems related to Europe's "grey zones" or "unresolved conflict zones" continue to require the greatest attention, including questions linked with Council of Europe access to such zones.

In 2019 the Council of Europe celebrates 70 years of existence. The Convention was its first accomplishment and remains its foremost achievement. Over these seven decades, the system has been greatly improved, and it has made a vital contribution to security, to cooperation between European States as well as to European integration.

The positive results achieved by the Committee of Ministers' supervision, under the impetus of the Interlaken process, bode well for the capacity of the Convention system to consolidate and further develop these advances, though many new challenges have arisen and much still needs to be done vis à vis existing ones. The importance of safeguarding the effectiveness of the European system for the protection of human rights so that it can meet the challenges of the future cannot be overstated.

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Mr Miroslav PAPA	Ms Satu MATTILA-BUDICH	Mr Jean-Baptiste MATTEI

Mr Christos GIAKOUMOPOULOS

III. Remarks by the Director General of the Directorate General of Human Rights and Rule of Law

Introduction

The 10-year long Interlaken effort to ensure the long-term effectiveness of the European Convention on Human Rights system is approaching its end.

The process has highlighted the system's unique and important role in securing pan-European democratic security and respect for the rule of law, human rights and fundamental freedoms on the Continent. The importance of the system evidently has consequences also for the Committee of Ministers' supervision of the execution of the judgments of the Court and underlines the necessity both of ensuring that the lessons to be learnt from the judgments are speedily translated into realistic, trust-inspiring national action and speedy and effective redress to applicants.

One may note that if the Convention is today well received in a considerable number of states, this *reception is frequently the result of a long process* during which a constant influx of reminders of the system's requirements through all types of cases, whether leading, isolated or repetitive, has played an important role.

Indeed all types of cases may require, under the Committee of Ministers' supervision, concrete action by competent domestic authorities – over and above the payment of any sums of moneys awarded (usually from the central state budget) to give effect to the Court's findings. Close links thus frequently exist between individual and general measures; it is, for example, not infrequent that an individual measure – such as the reopening of judicial proceedings – will create new domestic Convention-compliant case-law or practices making legislative reforms unnecessary.

As 2019 will see the end of the Interlaken process, I will deal below in some more detail with some of the major issues raised in connection with the Committee of Ministers' supervision of execution.

The Interlaken process and execution of judgments

The entry into force of Protocol No. 14 in 2010 and the start of the Interlaken process with the new and constructive dialogue it engaged between all stakeholders marked an important and much needed development in the efforts (see Part 4) to secure the long-term effectiveness of the system.

Execution and execution supervision have naturally been major subjects of interest during the process.

At the Council of Europe level, the main focus has been on ensuring the effectiveness and transparency of the Committee of Ministers' supervision and ensuring the availability of support for execution in the form of expert advice of different types and origins and cooperation activities. At the domestic level, the main concerns have been to develop a good national capacity for the rapid execution of the Court's judgments, including providing redress to applicants.

The Committee of Ministers has responded with new working methods, comprising better prioritisation of cases and enhanced dialogue, efficiency and transparency. Among the more concrete measures is the obligation for all states to submit action plans for the execution of a case within six months of the judgment becoming final, a general increase of Committee interventions allowing more assessments of progress made and better guidance of execution processes wherever needed, a more sensitive closure policy (allowing better and more nuanced signals to the domestic authorities as to progress made) and the rapid publication of relevant execution information, including the list of cases proposed for more detailed examination at the next Human Rights meeting.

On a practical level, the Secretariat has improved access to information and a public database – HUDOC Exec – has been created, as have different factsheets notably as regards the status of execution and Committee of Ministers' and state practice. The latter point, however, admittedly still needs further work and better visibility.

The results of the improvements are clear as evidenced by the statistics below.

The improved transparency of the supervision process has greatly increased the possibilities for stakeholders, including national parliaments, domestic courts and administrative authorities, as well as civil society, to act to support execution. The same applies to other international organisations, which have the possibility to intervene before the Committee of Ministers. One may note for example that UNHCR has availed itself of this possibility on several occasions.

As regards developments with respect to specific groups of cases, it is worth noting the *major advances made on a number of major and longstanding structural problems*. The capacity of the supervision process to maintain pressure and provide support over long periods of time has here been instrumental in keeping the solution of these complex problems high on the agenda of successive governments. A number

of problems, notably linked with the provision of compensation for properties nationalised under the former communist regime in Albania, or the repayment of the part of the foreign currency savings in the former Socialist Federal Republic of Yugoslavia incumbent under the Convention on Slovenia *(Ališić),* or the handling in the Republic of Moldova of mass demonstrations *(Taraburca),* have thus all been successfully solved. Many others have made considerable advances. Suffice it for present purposes to make reference to the very important advances made with respect to the problem of the non-execution of domestic court judgments in the Russian Federation *(Burdov No. 2),* which is solved as regards judgments relating to pecuniary obligations but where certain issues remain with respect of judgments related to in kind obligations, notably social housing; or to the problem of prison overcrowding and detention conditions in Belgium *(Vasilescu)* which is starting to be overcome with a decrease in the prison population, better distribution of prisoners between facilities and important efforts to improve conditions of detention; or in Romania *(Bragadireanu),* where overcrowding has been considerably reduced and preventive remedies put in place, but where measures remain awaited to ensure the full effectiveness of compensatory remedies, and to improve the distribution of detainees between prisons and material conditions of detention.

The highly topical problem of repetitive cases, also highlighted at the Ministerial Conference in Copenhagen, has been high on the agenda during the Interlaken process. The Committee of Ministers has, in line with its recommendations to states, raised the question of the existence of effective remedies wherever appropriate; the Court has stressed the necessity of domestic remedies in numerous pilot and other judgments with indications under Article 46. Moreover, the Steering Committee on Human Rights (CDDH) has examined a number of proposals for improved handling of repetitive cases (more details can be found in Part 4), while concluding that the present system provides sufficient tools to deal with such cases. Nevertheless, in face of the persistence of the problem, the Copenhagen Declaration has requested further efforts to be engaged.

The logic of the Convention system suggests that the best way to deal with repetitive cases is the speedy setting up of effective domestic remedies, which apply directly the relevant Convention requirements and the European Court's case law. The recent improvements of such remedies, notably before several Constitutional Courts, have from this perspective been very welcome.

The major problems which will arise if remedies are not rapidly backed by necessary structural reforms must, however, be stressed. It is not consonant with the obligations assumed as a member of the Council of Europe or a party to the Convention, to allow a situation where important shortcomings in key areas such as rule of law, human rights or democracy, are left unsolved and responsibility avoided through the mere payment of money to victims of the violations. Such situations are evidently also a source of major national concern. Ministries of finance have in some cases simply refused to fund existing remedies, preferring to inject the big sums of money concerned in the pursuit of necessary structural reforms.

For those repetitive cases which are not caught by any effective remedy, the Court is presently developing its WECL (well established case-law) procedure and its friendly

settlement practices. In order to ensure that such judgments/decisions can effectively lead to the same redress as is ensured applicants in other cases, it is important that they contain sufficient fact finding and legal reasoning to allow the domestic decision-makers to take adequate remedial action, taking into account existing Convention practices in the area concerned.

A small number of cases continue to encounter major obstacles of more special character. The last few years have seen considerable efforts to ensure that the necessary support measures and dialogues are engaged and developed to help overcome these.

Some cases are moving. One example is the major problem of non-execution of domestic judgments in Ukraine (*Burmych v. Ukraine*), which continues to threaten the credibility of the reforms adopted to ensure an efficient judicial system in the country. Political will for reform has been demonstrated but results have so far been limited. Important support activities have, however, been organised and further progress is expected. Other problems more related to the absence of a common understanding of the execution obligations, move slowly forward (*cases relating to the situation in the Transdniestrian region of the Republic of Moldova*). The problems continue to be discussed and may be the subject of further clarification by the Court in new cases. Dialogue is open in respect of a number of other cases with interstate dimensions (e.g. *Chiragov v. Armenia* and *Sargsyan v. Azerbaijan)*. Further such cases may be expected. These cases evidently require considerable political and technical investment in order to move forward, including possibly new procedures and ways of coordinating action with other international organisations. Yet another group of cases encounter problems because of domestic judicial decisions in contradiction with the conclusions of the Court *(OAO Neftanaya Kompania Yukos v. Russia, Navalnyy and Ofitserov v. Russia, Pichugin v. Russia)*. A certain dialogue is being pursued but no concrete results are yet apparent, and the situation calls for action at the highest levels. The infringement procedure brought by the Committee of Ministers against Azerbaijan remains at the time of these remarks still pending before the Court *(Ilgar Mammadov).*

More generally the Interlaken process has encouraged the Council of Europe to develop possibilities of support activities or other measures to *states. In parallel, states have been strongly encouraged to use the possibilities thus offered. .*

This support highlights the Convention system's close links with the expertise developed through intergovernmental standard-setting and specialised monitoring activities.

Indeed, numerous activities of this kind are apt to create important synergies capable of enhancing the general implementation of the Convention and execution of judgments (for more information, see Part 4). Many others aim at addressing specific problems or problem areas and are constantly evolving to meet the different challenges faced by member states and are frequently very helpful in defining speedily and effectively good, forward-looking and trust-inspiring solutions to the problems revealed by the Court's judgments.

Further support is offered, notably in the form of specific co-operation and assistance activities such as legal and political advice, training activities and experience-sharing

between states. Today the availability of this support, of great importance for the good functioning of the system, frequently depends on voluntary contributions or the possibilities of joint projects with the European Union or other international organisations. As a complement, the Human Rights Trust Fund was set up in 2008, on Norwegian initiative, to provide an additional and speedy way for interested states to provide extra support for such projects. However, this might not ensure that all respondent states in need of support have speedy access to co-operation activities. The special targeted assistance activities which can be offered by the Department for the Execution of the Court's Judgments (DEJ), with very short notice, may address this situation and have improved the Council of Europe capacities to support the efforts of member states.

On the national level, numerous measures have also been adopted to support execution. I will content myself in this context to mention the collection of good practices to promote domestic capacity to execute judgments rapidly which was published by the CDDH in 2017 (more details can be found in Part 4).

All this being said, the assessment made by member states in the wake of the Copenhagen Conference was that national implementation of the Convention in general still suffers important shortcomings and that further action is required. Further positive developments of the execution of the Court's judgments will certainly assist in improving this situation.

Results

As a result of the different measures adopted in the course of the Interlaken process, the Committee's capacity to assist and accompany respondent states to ensure that necessary reforms are engaged and brought to conclusion has improved. The positive results are visible in the statistics and the information on the state of execution presented in the annual reports. For 2018 this information will be published separately as a Secretariat document available on the website of the DEJ.

Interlaken process – global statistics

Since 1998 (the year of entry into force of Protocol No. 11 and the introduction of the single Court), the Committee of Ministers has been seized by some 3,486 leading judgments/decisions revealing the necessity, or containing an undertaking, to take general measures to address structural or other problems. Of these, 53% (1,898) were brought during the nine years of the Interlaken period, whereas 47% (1,588) were brought during the preceding 12 years.

Some 2,736 leading cases have been closed during the same period and some 1,248 remain pending, the large of majority of which deal with problems revealed in judgments brought after the start of the Interlaken process.

It is noteworthy that 2,073 (75%) of the total of leading cases closed since 1998 were closed during the Interlaken process.

Specific 2018 statistics and information

As is apparent from the global statistics, the results of the Interlaken process have become increasingly visible over recent years. 2018 is no exception.

Cases closed

In 2018, the Committee was able to close its supervision of 2,705 cases. Meanwhile, the number of new cases coming from the Court slightly declined (1,264 in 2018 as compared to 1,333 in 2017 and 1,352 in 2016). This left the total number of cases pending before the Committee at 6,151 on 31 December, the lowest it has been since 2006. The decrease as from 2017 is mainly explained by the fact that the major effort engaged that year considerably exhausted the stock of individual cases ready for closures.

One of the principle reasons for the high number of closures was the Committee's practice, in relation to complex and systemic problems, of closing repetitive cases in which all the possible individual measures needed to provide redress to the applicant have been taken, while continuing to supervise the general measures required to remedy the underlying problem through the optic of a few representative leading cases. Thus, 2,416 mainly repetitive cases were closed. The 289 remaining were leading cases, of which 143 had been pending for five years or longer.

These figures represent a concerted effort by the relevant national authorities, assisted by the DEJ, to tackle long-standing and frequently complex issues and to ensure that information relating to the measures taken is brought to the Committee's attention.

Record numbers of closures involving the states with the most pending cases

In 2018, it is particularly noteworthy that record numbers of cases were closed concerning the three countries with the highest volume of cases pending before the Committee.

For example, 385 cases against the *Russian Federation* were closed, reducing for the first time the overall pending caseload against Russia. Most of the cases were of a repetitive nature or friendly settlements, in relation to which the DEJ was able to receive information on individual measures thanks to its proactive working relationship with the Russian authorities. While this shows that there is progress in executing judgments, particularly for individual applicants, further complex reform efforts remain required as regards general measures. The DEJ will therefore continue focusing resources on the Russian cases, which represent the highest pending caseload both before the Committee of Ministers and the European Court.

In respect of *Ukraine*, the Committee was also able to close a record 318 cases, as a result of closer cooperation and increased communication with the authorities, including a significant improvement in reporting on individual cases. Most of those closed were repetitive cases where all individual measures had been taken, particularly relating to issues of unreasonable length and lawfulness of detention

and unreasonable length of proceedings in civil and criminal cases. In addition, however, a number of leading cases were closed following major progress in the ongoing important judicial reform intended to safeguard the independence and effectiveness of the judiciary – followed also within the framework of a number of Council of Europe cooperation projects and the Action Plan for Ukraine – which led *inter alia* to the adoption of Constitutional amendments.

Finally, a total of 372 cases against *Turkey* were closed in 2018. Again, most were repetitive following completion of individual measures, but the Committee also closed a number of leading cases where legislative reforms had been made, including to ensure that suspects in police custody have access to legal assistance before being questioned (*Salduz* group). These closures were made possible by the lifting of the state of emergency in July 2018, but also by the close cooperation of the Turkish authorities with the DEJ.

Note on cases older than five years

The special efforts undertaken following the Brussels Conference in 2015 to address the high number of leading cases under standard supervision which have been pending before the Committee for more than five years continue to provide results. Cases of this kind, if still pending because of problems encountered in achieving the necessary reforms, should be transferred to enhanced supervision to ensure that the national reform efforts receive adequate Council of Europe support. Experience suggests, however, that most of these cases remain pending mainly because of problems in the exchange of relevant information.

As a consequence, the DEJ has over recent years deployed considerable efforts to enhance the dialogue with the national authorities with respect to these cases and the results are encouraging, with a radical increase in the number of such cases closed since the Brussels Conference. 47 leading cases under standard supervision were thus closed in 2015; 83 in 2016; 123 in 2017; and 112 in 2018. These efforts have also led to a global decrease in the number of such cases pending over the last few years: 514 in 2015; 549 in 2016; 528 in 2017; and 483 in 2018. The situation remains, however, of concern as figures remain comparatively high – only 168 such cases were pending in 2010 at the beginning of the Interlaken process. Efforts must continue.

Conclusions

The statistics and concrete results achieved clearly demonstrate that the Interlaken process has made a major contribution to the effectiveness of the Convention system, and in particular as regards the execution of the judgments of the European Court and the Committee of Ministers supervision of execution.

The perspectives for the system's continued capacity to assist in maintaining Pan-European democratic security and good governance based on rule of law and respect for human rights are thus in principle very encouraging.

However, execution is confronting an increasing number of difficult issues related to the relations between member states and even challenges of the very necessity of a

binding mechanism to uphold the authority of the system. Against this background concerns remain, in particular as regards the availability of adequate resources to support execution in appropriate ways, both political and technical, including expertise offered by intergovernmental expert bodies and specialised monitoring bodies and more practical support in the form of different co-operation programs and activities.

However, the necessity of a renewed political engagement on the part of all member states to provide the resources and support needed to build on the major progress achieved through the Interlaken process is clearly felt.

IV. Improving the execution process: a permanent reform work

A. Guaranteeing long-term effectiveness: main trends

1. The main developments concerning the implementation of the Convention for the Protection of Human Rights and Fundamental Freedoms (the Convention) which have led to the current system are summarised in the Annual Reports 2007-2009.[1]

2. The pressure on the Convention system due to the success of the right to individual petition and the enlargement of the Council of Europe led rapidly to the necessity of further reforms, beyond those put in place by Protocol No. 11 in 1998, to ensure the long-term effectiveness of the system. The starting point for these new efforts was the Ministerial Conference in Rome in November 2000 which celebrated the 50th anniversary of the Convention. The main avenues followed since then consisted in improving:

- the domestic implementation of the Convention in general;
- the efficiency of the procedures before the European Court of Human Rights (the Court);
- the execution of the Court's judgments and its supervision by the Committee of Ministers (the CM).

3. The importance of these three lines of action has been regularly emphasised at ministerial meetings and also at the Council of Europe's 3rd Summit in Warsaw in 2005 and in the ensuing Action Plan. A large part of the implementing work was entrusted to the Steering Committee for Human Rights (CDDH).

1. See notably Sections III and IV of the 2009 Annual Report.

4. Since 2000 the CDDH has presented a number of different proposals. These have in particular led the CM to:

- adopt seven recommendations to States on various measures to improve the national implementation of the Convention,[2] including in the context of the execution of judgments of the Court;
- adopt Protocol No. 14,[3] both improving the procedures before the Court and providing the Committee of Ministers with certain new powers for the supervision of execution (in particular the possibility to lodge with the Court requests for the interpretation of judgments and to bring infringement proceedings in the event of refusal to abide by a judgment);
- adopt new Rules for the supervision of the execution of judgments and of the terms of friendly settlements (adopted in 2000, with further important amendments in 2006) in parallel with the development of the CM's working methods;[4]

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2. Recommendation No. R(2000)2 of the Committee of Ministers to member states on the re-examination or reopening of certain cases at domestic level following judgments of the European Court of Human Rights;
- Recommendation Rec(2002)13 of the Committee of Ministers to member states on the publication and dissemination in the member states of the text of the European Convention on Human Rights and of the case-law of the European Court of Human Rights;
- Recommendation Rec(2004)4 of the Committee of Ministers to member states on the European Convention on Human Rights in university education and professional training;
- Recommendation Rec(2004)5 of the Committee of Ministers to member states on the verification of the compatibility of draft laws, existing laws and administrative practice with the standards laid down in the European Convention on Human Rights;
- Recommendation Rec(2004)6 of the Committee of Ministers to member states on the improvement of domestic remedies.
The status of implementation of these five Recommendations has been evaluated by the CDDH. Civil society was invited to assist the governmental experts in this evaluation (see CDDH(2006)008 Add.1). Subsequently, the Committee of Ministers has adopted special recommendations on the improvement of the execution of judgments:
- Recommendation CM/Rec(2008)2 of the Committee of Ministers to member states on efficient domestic capacity for rapid execution of judgments of the European Court of Human Rights;
- Recommendation CM/Rec(2010)3 of the Committee of Ministers to member states on effective remedies for excessive length of proceedings.
In addition to these recommendations to member states, the Committee of Ministers adopted a number of Resolutions addressed to the Court:
- Resolution Res(2002)58 on the publication and dissemination of the case-law of the European Court of Human Rights;
- Resolution Res(2002)59 concerning the practice in respect of friendly settlements;
- Resolution Res(2004)3 on judgments revealing an underlying systemic problem,
as well as in 2013 the following non-binding instruments intended to assist national implementation of the Convention:
- Guide to good practice in respect of domestic remedies;
- Toolkit to inform public officials about the State's obligations under the European Convention on Human Rights.
3. This Protocol, now ratified by all contracting parties to the Convention, entered into force on 1st June 2010. A general overview of the major consequences of the entry into force of Protocol No. 14 is presented in the information document DGHL-Exec/Inf(2010)1.
4. Relevant texts are published on the website of the Department for the Execution of Judgments of the European Court. Further details with respect to the developments of the Rules and working methods are found in Appendix 7 and also in previous annual reports.

- reinforce subsidiarity by inviting States in 2009 to submit action plans for the execution of the Court's judgments and/or, as regards actions taken, action reports (at the latest six months).

5. In addition, in 2000 the Parliamentary Assembly started to follow the execution of judgments on a more regular basis, in particular by introducing a system of regular reports, partly following country visits in order to assess progress concerning open issues in important cases. The reports have notably led to recommendations and other texts for the attention of the CM, the Court and national authorities.

B. Interlaken – Izmir – Brighton

6. The new reform process engaged by the Interlaken Conference in 2010 has dealt with a wide range of issues, examined in the light of the experiences gained over the same period through the entry into force of Protocol No. 14 just before the Conference.

7. The Ministers notably adopted *new working methods* in 2011. These are based on the action plan system initiated in 2009 and introduce a twin track supervision procedure to better prioritise the CM's support for execution and also reinforce transparency in a number of ways – see for further details Appendix 6.[5]

8. In parallel, the CDDH started reflections on possible further measures which would not require amendments to the Convention (final report of December 2010) as well as measures which would require such amendments (final report of February 2012). Related proposals concerned the supervision of compliance with unilateral declarations, the means of filtering applications, the Court's handling of repetitive applications, the introduction of fees for applicants and other formalities regulating access to the Court, changes to the admissibility criteria, and the Court's competence to deliver advisory opinions at the request of domestic courts. A separate report of June 2012 examined the possible introduction of a simplified procedure for amending certain provisions of the Convention.

9. The further reflections of the CDDH gave rise to a series of recommendations as regards, *inter alia*, awareness raising, effective remedies and the execution of the Court's judgments, the drawing of conclusions from judgments against other States and the information provided to applicants on the Convention and the Court's case-law. The Recommendations directly addressing the execution of the Court's judgments were reproduced in the 2012 Annual Report.

10. Following the political *guidance* given at the Brighton Conference in April 2012, the reform work accelerated and two new protocols were adopted by the CM in 2013. Protocol No. 15 (ratified by 41 of the 47 member States by the end of January 2018) and Protocol No. 16 (ratified by 8 member States by the end of January 2018, of ten necessary for its entry into force. In view of the information on far advanced ratification procedures (notably in France), the entry into force of the Protocol could be imminent).

5. The documents at the basis of the reform are available on the Committee of Ministers web site and on the web site of the Department for the Execution of Judgments of the Court (see notably CM/Inf/DH(2010)37 and CM/Inf/DH(2010)45 final).

11. The CM also gave a mandate to the CDDH to *examine certain other questions* of relevance also for the execution of judgments and the CM's supervision thereof:[6]

12. One concerned the interest of introducing a *representative application procedure* before the Court in the event of numerous complaints alleging the same violation against the same State. The CDDH concluded, however, that, in the current circumstances, such a procedure would have no significant added value.

13. Another concerned possible new means to resolve *large numbers of applications resulting from systemic problems*. On this issue the CDDH underlined the importance of respondent states ensuring full, prompt and effective execution, in full co-operation with the CM. It stressed in this connection that, besides the new possibilities offered by Protocol No. 14, recent experience showed the powerful impact of carefully designed domestic remedies to handle such situations as these allowed the "repatriation" of repetitive applications to the national level.

14. The CM also decided to examine the question whether more efficient measures were required vis-à-vis States that failed to implement judgments in a timely manner.

15. The first results of the CM's examination were presented in December 2012, and those of its working group GT-REF.ECHR in April 2013 (see Annual Report 2013). These results were communicated to the CDDH. The ensuing CDDH report of November 2013 noted the excessively large and growing number of judgments pending before the CM (at the time over 11 000 judgments) and the necessity of remedial action.

16. The Court's opinion on the report highlighted in particular the continuing problem of repetitive cases and clarified that the pilot judgment procedure response it had devised proceeded from the concern – clearly expressed in the Brighton Declaration – to safeguard the effectiveness of the Convention system, while respecting the competences and prerogatives of its different actors. The opinion concluded by noting that very few of the CDDH proposals appeared to find much support and that it was hard to see how they could significantly improve the current system – yet such improvement was undoubtedly needed. Reflection thus had to continue.

17. The efficiency of the execution process was also among the themes discussed at the Oslo Conference *"Long-term future of the European Court of Human Rights"*. Several avenues for future development, both at the Council of Europe and national levels, *e.g.* the creation of an independent national mechanism ensuring that governments draw full conclusion of the Court's judgments, were explored. The conclusion, as indicated notably by the Director General of the Directorate General Human Rights and Rule of Law, was, however, that further in-depth reflection was required.

6. Further mandates to the CDDH related to the development of a toolkit for public officials on the State's obligations under the Convention and the preparation of a guide to good practices as regards effective remedies. The work carried out under these mandates did not, however, cover the special obligations linked to execution or the question of remedies necessary to ensure execution in individual cases – cf. CM Recommendation (2000)2 cited above (the work carried out by working group GT-GDR-D).

C. The Brussels Conference

18. In the context of this process, the Belgian Chair of the Committee of Ministers organised on 26-27 March 2015 a high level conference entitled "*The implementation of the Convention, our shared responsibility*" in Brussels. The Declaration adopted at the conference and the accompanying action plans were endorsed by the CM at its ministerial session in May 2015.

19. Subsequently, in December 2015, the CDDH sent its final *Report on the longer-term future of the system of European Convention of Human Rights*. The relevant conclusions for the execution of judgments are presented in the Annual Report 2015. The Court's opinion of 1 March 2016, the Court found "persuasive the CDDH's conclusion that, with the exception of the procedure for selecting and electing judges, the challenges discernible at the present time for the Convention system in the longer term can be met within the current framework. That such a conclusion has been reached well within the timeframe originally set down in the Interlaken Declaration attests to the success – greater than anticipated – of the reforms implemented in the period 2010-2015."

20. As to the continuing implementation of the Brussels Declaration, the CDDH notably:

a. reviewed the *implementation of the Recommendation CM/Rec(2008)2 on efficient domestic capacity measures taken for rapid execution of judgments of the European Court of Human Rights and discussed* the usefulness of updating the recommendation. It found preferable to draw up a guide to good practice. The CM adopted this Guide on 13 September 2017.

b. considered mechanisms for ensuring the *compatibility of legislation and draft legislation with the Convention* (arrangements, advantages, obstacles) and considered good practices in this respect. A specific webpage was created in this regard. The summary of the exchange of views was formally adopted in 2017. No further action was deemed required.

c. organised a conference, follow by an intergovernmental reflection on the theme of the *"Place of the Convention in the European and International Legal Order"*. These activities are presently being pursued in the DH-SYSC.

D. The Copenhagen Conference and the end of the Interlaken process

21. A further High Level Conference was held in Copenhagen on 13-14 April 2018 under the auspices of the Danish Chairmanship of the Committee of Ministers – *"Continued Reform of the European Human Rights Convention System – Better Balance, Improved Protection"*. The Declaration, subsequently endorsed by the Committee of Ministers at the Ministerial Conference in Copenhagen on 11-12 May 2018, stressed anew the extraordinary contribution of the Convention system to the protection and promotion of human rights and the rule of law in Europe and the central role it plays in maintaining democratic security and improving good governance across the continent.

22. The Declaration underlined the need for dialogue as a means of ensuring a stronger interaction between the national and European levels of the system and noted that ineffective national implementation of the Convention, in particular in relation to serious systemic and structural human rights problems, remained the principal challenge confronting the Convention system. As regards the execution of the Court's judgments, the Declaration stressed the importance of strengthening the national capacity for effective and rapid execution and the Council of Europe's capacity to offer rapid and flexible technical assistance to States, in particular to assist in solving systemic and structural problems. The use of thematic discussions in the Committee of Ministers on major issues relating to the execution of judgments was welcomed.

23. As regards the special problems linked to the case load, and notably those linked to repetitive cases, the Declaration stressed the necessity of continued combined efforts of all actors involved, including the Committee of Ministers when supervising execution. Also the special problems linked with situations of conflict and crisis – important concerns in the context of the supervision of the execution – were underlined. The Committee of Ministers, in consultation with the Court and other stakeholders, is presently engaged in the finalisation before the end of 2019 of its analysis of the prospects of obtaining a balanced case load.

24. The Committee of Ministers general evaluation of whether the measures adopted in the course of the Interlaken process have proven to be sufficient to ensure a sustainable functioning of the control mechanism of the Convention or whether more profound changes are necessary is due by the end of 2019. The CDDH is presently preparing its contribution to this evaluation, notably in the light of its abovementioned report on the longer-term future of the Convention system and the on-going activities of the DH-SYSC on the place of the Convention in the European and International legal order.

E. Parliamentary Assembly

25. The Parliamentary Assembly of the Council of Europe has continued its work on regular reporting on the implementation of the Court's judgments. The work on preparation of the 10th report on the implementation of judgments of the European Court of Human Rights is ongoing. In this context the Committee held two hearings in 2018 with the participation of representatives of the Directorate General Human Rights and Rule of law, the Registry of the Court, the Venice Commission and civil society.

26. In 2018, the Assembly also pursued its efforts to disseminate knowledge about the Convention requirements, notably in execution matters, among the legal advisers attached to competent parliamentary commissions and to encourage national parliaments to set up, as already done in a number of states, special parliamentary mechanisms to supervise the timely progress of the execution. To this end, a seminar on the role of Parliaments in the implementation of the European Court's judgment was held on 26 November 2018 in Budapest proposing a "checklist" for parliaments in their work related to the execution of judgments of the Court. The seminar was attended by parliamentarians from Bulgaria, Greece, Hungary, Netherlands,

Poland, Romania, Serbia and Turkey. As a part of these awareness-raising efforts, the Assembly published in October 2018 a handbook "National Parliaments as Guarantors of Human Rights in Europe" for parliamentarians from all over Europe. In 2018, the Assembly continued in parallel to organise special meetings with selected national parliaments. As regards special mechanisms, an overview of those put in place was published in 2015.[7] The development of such mechanisms in all states has been strongly recommended in the texts adopted by the Assembly in 2015 and 2017 following the 8th and 9th report. It is also a major theme in the discussions around the 10th report, presently under preparation. In response, Georgia has successfully set up such a mechanism in 2016 which has been in operation since then. Reflections in a number of other countries are continuing.

27. In its Recommendation 2129(2018) on "Copenhagen Declaration, appreciation and follow-up", the Assembly indicated that it shared the conviction that the Convention continues to play a central role in maintaining democratic security and improving good governance across the continent. The Assembly, accordingly, welcomed the reaffirmation of the States Parties' commitment to the Convention and to the full, effective and prompt execution of the Court's judgments.

28. However, in its view, the Declaration contained ideas about dialogue that could be incompatible with the Court's independence and proposed, in particular, very little by way of new solutions to the problem of inadequate execution of judgments and failed to encourage in an adequate manner the role of other stakeholders (including the Assembly). In consequence, the Assembly asked the Committee of Ministers to take concerted and effective action to address the problems of ineffective national implementation of the Convention, including inadequate execution of Court judgments, notably on the basis of the recommendations in the area presented in the course of the Interlaken reform process by the Assembly and the intergovernmental experts.

7. PPSD(2014)22 19 October 2014.

V. Cooperation activities

The importance of access to Council of Europe expert advice and cooperation activities and programs to support processes necessary for the execution of the Court's judgments, and thus also to support the general reception of the Convention in domestic law and practice, has been highlighted throughout the Interlaken process. This support has also on numerous occasions proven crucial in bringing about the necessary reforms.

These activities and programs only receive marginal funding from the organisation's ordinary budget and can primarily be conducted through the support from the HRTF, voluntary contributions or joint programs and activities, notably with the European Union.

The Copenhagen Declaration of April 2018 encouraged the CM to continue to establish good synergies with cooperation activities and programs and ensure that these can be rapidly made available where required and also give special attention to the need to further strengthen the capacity for offering rapid and flexible technical assistance. In line herewith, the Committee frequently invites states to avail themselves of the support that may be provided through Council of Europe co-operation programs and activities.

A. Activities of the Department for the Execution of Judgments of the European Court

In accordance with its mandate,[8] the Department for the Execution of Judgments of the European Court of Human Rights not only serves the CM, but provides support to the member states in their efforts to achieve full, effective and prompt execution of judgments (notably through legal expertise, round tables, training programmes and activities facilitating exchanges of experiences between interested states). A major advantage of these activities is that they may be organised with very short notice.

Activities can be confidential but most are today public. The sharing of good practices and the inclusion of the work of relevant Council of Europe expert bodies are always important components of the activities.

Activities organised by the Department in 2018 include notably events (main topics in parenthesis) in Bulgaria (safeguards in the areas of secret surveillance, expulsion of aliens and eviction from unlawful dwellings, conditions of detention), in Georgia (reopening of proceedings), in Hungary (all major outstanding issues), in Lithuania (all major outstanding issues), and in Ukraine (judicial organisation, excessive length of judicial proceedings and non-execution of domestic judgments). The activities involve according to the circumstances meetings with courts, ministries, parliamentary committees, other authorities and civil society.

8. As delegated by the Director General pursuant to the mandate of the Directorate General Human Rights and Rule of Law, and under the Director's authority.

The Department also participated in numerous activities organised in the above States and other Member States by other Council of Europe bodies, other international organisations, the EU and domestic authorities – notably events in Armenia (role of the Ombudsman's office), Georgia (reopening of judicial proceedings), Moldova (the situation in the Transnistrian region), Poland (celebration of 25th anniversary of Poland's accession to the ECHR), Serbia (excessive length of judicial proceedings and the national execution mechanism), Russian Federation (evidence before international courts) and Turkey (effectiveness of investigations into actions of security forces, freedom of expression). More information on these programs is found below and on the Department's website.

These activities are supplemented by regular and *ad hoc* visits to Strasbourg of government agents, other officials and/or judges, with a view to their participation in different events related to the CM's supervision of execution and/or specific execution issues. This practice continued in 2018, notably through meetings with public officials and national judges, including from supreme courts, and/or legal secretariats of parliaments (Belgium, Russian Federation, Sweden, Ukraine). A number of study visits for national judges or members of the Government agent's offices were also organised (France, Hungary, Montenegro).

B. General cooperation programmes and national Action Plans and cooperation documents

The importance of technical assistance and cooperation programmes has been highlighted throughout the Interlaken process.

Cooperation programs are important vehicles for a continuing dialogue on general measures with decision-makers in the capitals, experience sharing, national capacity-building and for the dissemination of relevant knowledge of the Council of Europe's different expert bodies (CPT, CEPEJ, GRECO, ECRI, Venice Commission, etc.). The cooperation programmes thus constitute a welcome – and sometimes even indispensable – support to ensure the adoption of the measures required to address the problems revealed by the Court's judgments and to ensure the quality and sustainability of measures taken.

In 2018, major Action Plans between the Council of Europe and member states were being implemented in Armenia (2015-2018, a new one having been agreed for 2019-2022), in Azerbaijan (2018-2020, building on the Action Plan 2014-2016, prolonged until 2017), in Bosnia and Herzegovina (2018-2021, building on the Action Plan 2015-2017), in Georgia (2016-2019, continuing the Action Plan 2013-2015), in the Republic of Moldova (2017-2020, building on the Action Plan 2013-2016) and in Ukraine (2018-2021, building on the Action Plan 2015-2017). All include actions that support the execution of judgments revealing structural problems and the need for long-term continuing efforts. Such support has also been given through the more targeted cooperation activities implemented in 2018 with EU support in Albania (following the end of the last Action Plan 2015-2017), in Montenegro, in North Macedonia and in Turkey.

The Office of the Directorate General of Programmes ensures, notably through regular contacts with the Department for the Execution of Judgments of the European Court, that Action Plans and other cooperation activities as well as general cooperation policies, systematically include appropriate actions to meet specific needs arising from the Court's judgments and the Committee of Ministers' supervision of their execution.

C. Targeted Convention-related cooperation projects

2018 has seen a continuation of the special efforts within DGI aiming at speedily responding to national demands for cooperation activities related to the implementation of the Convention, and notably to assist in ensuring timely execution of Court judgments (in particular pilot judgments). In view of the scarce funding available over the Council of Europe's ordinary budget, the organisation of such targeted Convention-related projects heavily depends on extra-budgetary resources, including Joint programmes with the EU, member states' voluntary contributions, including within the Human Rights Trust Fund ("HRTF").

2018 saw a continuation of many of the earlier projects notably as regards Albania (leading to the successful closure of the Committee of Ministers' supervision of the *Manushaqe Puto* pilot judgment dealing with the major structural problem of ensuring compensation for property expropriated during the communist regime), Turkey (the cooperation in the "informal working group" set up by the Secretary General thus continued and several activities of relevance notably for freedom of expression (*Incal* group) and freedom of assembly (*Oya Ataman* group) were organised – in addition a new project on the effectiveness of investigations into actions of security forces was launched in February 2018) and Ukraine (support for the execution of judgments concerning the independence and efficiency of the judiciary – fairness of disciplinary proceedings against judges *(Volkov)* – the absence of enforcement of judgments against the state, or state-owned or controlled entities including the lack of any effective remedy *(Ivanov/Burmych)* – and the reopening of proceedings to give effect to Strasbourg judgments (*Bochan II, Yaramenko II, Shabelnik II)).*

Targeted projects were also organised in the Russian Federation including a high-level event at the Saint Petersburg Legal Forum in May 2018 on the interaction between the judgments of the Court and Russian Law in the perspective of the celebration of the 20th anniversary of the ratification of the Convention[9] and one in Moscow in November 2018 dealing with the question of evidence before international courts. The project for support and capacity-building of Public Monitoring Committees ("PMC") to help ensure effective supervision of detention conditions continued until March 2018 when it was suspended due to the need to find a new project partner at the national level (the project was part of the action plan submitted by the Russian authorities in the *Kalashnikov/Ananyev* group of cases). The professional training programmes for judges, prosecutors and lawyers on recurrent Convention issues have continued throughout 2018 and the development of further cooperation activities is being discussed with the Russian authorities.

9. A summary of the implementation of the 20 most significant cases that had changed the Russian legal system was published in a special issue of "Case-law of the European Court of Human Rights".

The European Programme for Human Rights Education for Legal Professionals, better known as HELP Programme, has also continued to provide invaluable support to the implementation of the Court's judgments in all 47 countries. New programs developed in 2018 include modules on family law and human rights, access to justice for women, bioethics and human rights in sports. HELP Programme has by now 33 training courses in its arsenal, which deal with most of the Convention issues. HELP activities are usually tailored to the country's legal order, including specific Convention issues raised in the national context: 230 national adaptations of HELP courses have already been done throughout 47 member states.

HELP training activities are regularly reviewed to reflect the training needs as they emerge from the supervision of the execution of the Court's judgments. HELP is also unique pan-European network of national training institutions and bar associations which constantly exchange good training practices on the most acute Convention issues. HELP Programme is only partly being funded by the ordinary budget and regularly receives the reinforcement indispensible for its functioning through the EU (HELP in the EU) voluntary contributions for region or country-specific projects of particular importance (HELP in Russia, HELP in Western Balkans and Turkey, both funded by HRTF).

In support of these efforts, the Committee of Ministers, in its decisions in individual cases, frequently invites the states to take advantage of the different cooperation programmes and projects offered by the Council of Europe.

D. Thematic debates in the CM

A special form of co-operation and experience sharing, especially encouraged in the Brussels and Copenhagen declarations, has been thematic debates organised by the Committee of Ministers. In line with the invitation made in the Brussels Declaration, the Committee held a first thematic debate on the topic of detention conditions in the context at its March 2018 HR meeting (the materials are available on the websites of the Committee and of the Department for the Execution of Judgments). The debate at the March 2019 HR meeting dealt with the effectiveness of investigations into actions of security forces.

VI. Main recent achievements

(based on the final resolutions adopted in 2018)

ALBANIA

Expropriations, nationalisations

Non-enforcement of final judicial decisions ordering the restitution of or the compensation for properties nationalised under the Communist regime

A new compensation mechanism has been set up in 2015, as a result of a close cooperation between the Albanian authorities and the Council of Europe with the support of the Human Rights Trust Fund, together with a significant work aimed at ensuring an effective land registration system. In order to cover all compensation claims (about 1,2 billion euros), the necessary financial resources were allocated in the State budget. This new mechanism, and in particular compensation criteria set out, was also positively assessed by the Venice Commission in an amicus curiae brief for the Constitutional Court (upon request by its chair). The Constitutional Court subsequently approved the constitutionality of the mechanism (except for two provisions which were repealed). At the closure of this group of cases in September 2018 by the Committee of Ministers, the system was well-functioning and significant progress had been noted not only as regard the work of the administrative commission for evaluation (Management Property Agency) but also considering the number of decisions issued and implemented (out of 26 000 claims for evaluation of the property value, 18 000 had been handled). In addition, the number of evaluations that were appealed was very small. The functioning of the mechanism, including the respect of the relevant deadlines, is closely monitored by new national mechanisms which have proven effective.

The just satisfaction awarded by the European Court in respect of pecuniary damage was paid, and the Albanian authorities have implemented the relevant final judicial decisions in the cases where no just satisfaction was awarded by the European Court in respect of pecuniary damage.

Manushaqe Puto and Others v. Albania (604/07+)
Judgment final on 17/12/2012 (merits) and 23/03/2015 (just satisfaction)
CM/ResDH(2018)349

Length of judicial proceedings

Excessive length of disciplinary proceedings against judges

The 2016 Law on the governance institutions of the justice system established the High Judicial Council (HJC). This council has the duty to ensure the independence, accountability and appropriate functioning of the judiciary. Moreover, in order to ensure the diligence and impartiality of disciplinary proceedings, the 2016 Law on the status of judges and prosecutors created the High Justice Inspector (HJI) in charge with the oversight of the careers and performance of the members of the judiciary. Where there are reasonable grounds to believe that a judge has committed misconduct, le HJI submits its investigation report to the HJC with deadlines for actions to be taken. In case of excessive length of disciplinary proceedings, the judge concerned can appeal to the HJC. In addition, the Code of Civil Proceedings was modified in 2017 and now provides for acceleratory and compensatory remedies in case of excessive length of administrative proceedings.

Before the delivery of the European Court's judgment, the applicant had been reinstated following a decision from the Supreme Court.

Mishgjoni v. Albania (18381/05)
Judgment final on 07/03/2011
CM/ResDH(2018)73

AUSTRIA

Reception / Expulsion / Extradition

Lack of suspensive effect of a second asylum request

With clear reference to the European Court's judgment, the Austrian Constitutional Court found that a general exclusion of protection against expulsion was contrary to the principal of the rule of law and therefore unconstitutional. The impugned provision in this case was subsequently removed. Article 12 of the Asylum Law explicitly refers to Articles 3 and 8 of the Convention. Under this new provision, a second asylum request alleging a deterioration of the reception conditions in the country of destination since the issuing of the expulsion order now carries automatic suspensive effect until a domestic court has examined the question of the existence of a sufficient likelihood that the conditions in the country of destination, which are relevant under Article 3 of the Convention, have significantly deteriorated, or if an expulsion would contravene Article 8 of the Convention.

The applicant left the Austrian territory voluntarily in June 2013. Hence, the asylum procedure was closed.

Mohammed v. Austria (2283/12)
Judgment final on 06/09/2013
CM/ResDH(2018)376

Private and family life – parental rights

International child abduction – failure to conduct return proceedings under Brussels IIa regulation expeditiously and efficiently

The Law on the Return of Children of 2017 provides for a new national procedure under the Hague Convention on the Civil Aspects of International Child Abduction. This law simplifies and speeds up the return of wrongfully removed or retained children, and provides for the immediate enforceability of the return order as well as the concentration of proceedings (no hiatus between ordering and enforcing the return; no exception in the enforcement stage unless there is a change of circumstances). The law also provides for the re-establishment of contact between the abducted child and the affected parent as of the beginning of the return proceedings.

The applicant conceded that, considering the time elapsed, an enforced return to Italy would expose the child to psychological harm. The Juvenile Court of Venice thus repealed the return order and restored full parental responsibility to the mother. The applicant has been granted a monthly visiting right in Austria.

M.A. v. Austria (4097/13)
Judgment final on 15/04/2015
CM/ResDH(2018)273

BELGIUM

Expulsion / Extradition

Extradition in violation of an interim measure indicated by the European Court

The applicant was unduly extradited to the United States to stand trial on terrorist charges in spite of an interim measure indicated by the European Court. After the European Court's judgment, the Belgian authorities entered into negotiations with the American authorities to obtain guarantees to avoid, or reduce as far as possible, the risk for the applicant to be sentenced to an irreducible life sentence in the USA. The Federal Prosecutor gave a commitment to try to reach a plea agreement and, in case of trial, not to seek such a sentence. If the risk of an irreducible life sentence would nevertheless materialise in the course of the proceedings, the Belgian authorities gave in 2018 the undertaking to intervene in the proceedings as *amicus curiae*.

As part of general measures, awareness-raising measures were taken, dissemination of the judgment was carried out, and the Belgian authorities reiterated their commitment to respect the Court's interim measures.

Trabelsi v. Belgium (140/10)
Judgment final on 06/02/2015
CM/ResDH(2018)460

BOSNIA AND HERZEGOVINA

Enforcement of domestic judicial decisions

Non-enforcement of judgments ordering the State to pay war damages

In the Republika Srpska (entity of Bosnia and Herzegovina), the National Assembly adopted the Domestic Debt Act in 2012 repealing the statutory suspension in respect of the enforcement of over 10,000 judgments ordering payment of 74 million Euros for war damages. A settlement plan was introduced in 2012 envisaging the enforcement of final judgments in cash or in government bonds (if the creditors so accept) within 13 years. This deadline was extended to 20 years due to economic difficulties. Following the Court's findings in the *Đurić* case, the deadline was reduced to 13 years as from 2016. In addition, the Ministry of Finance agreed in the 2016 settlement plan to pay default interest in the event of delay in the enforcement of judgments. Payments were made in respect of all judgments intended for payment in 2016 provided the creditors presented the required documentation to the Ministry of Finance. The enforcement of the outstanding judgments will continue according to the terms of the legal framework established.

In the Federation of Bosnia and Herzegovina (FBH), the Parliament adopted amendments to the FBH Internal Debt Law which entered into force on 14 July 2011, providing that final judgments concerning war-related damages will be settled in cash from the Budget of the Federation. Pursuant to these amendments, the Government of the Federation of Bosnia and Herzegovina adopted a decision on settlement of these judgments providing that the order of enforcement of registered final judgments shall be determined by the Ministry of Finance of the Federation in chronological order. In 2017, the Ministry of Finance recorded in aggregate 341 final domestic judgments ordering payment of almost 8 million Euros in respect of war damages. The authorities secured the necessary funds (around 7.5 million Euros) and ensured that the payments were made to settle the debts in line with the abovementioned mechanism and legal framework in 319 cases. In the 22 remaining cases, the payment will be made as soon as the creditors submit the required documentation to the Ministry of Finance. The Ministry also ensured the payment of just satisfaction in respect of non-pecuniary damage.

Čolić and Others v. Bosnia and Herzegovina and 8 other cases (1218/07)
Judgment final on 28/06/2010
CM/ResDH(2018)116

CROATIA

Lawfulness of detention

Insufficient grounds for detention, lack of review of its lawfulness, and lack of equality of arms in appeal proceedings

The Code of Criminal Procedure was amended on 27 July 2017 and provides for the obligation of relevant authorities to specify the particular circumstances and the

reasons which justify the extension of detention. The domestic courts aligned their case-law accordingly, including the Supreme Court and the Constitutional Court. In a decision of 31 August 2017, the Supreme Court quashed a lower court's decision to extend detention and instructed it to provide specific reasons for the extension. In a decision of 19 March 2017, the Constitutional Court quashed the lower court's decision refusing to replace the defendant's detention with bail, considering that it had failed to provide sufficient, specific and detailed reasons. In order to improve the Constitutional Court's capacity to provide guidance on issues related to lawfulness of detention, the practice of declaring constitutional complaints inadmissible, on the grounds that the impugned decision has been replaced by a new decision on detention or that the defendant has been released, was abolished.

Krnjak v. Croatia and 8 other cases (11228/10+)
Judgment final on 28/11/2011
CM/ResDH(2018)200

FINLAND

Protection of private life

Impossibility to bring paternity proceedings due to the expiry of the limitation period

The Paternity Act entered into force on 1st October 1976 fixed a five-year deadline for the introduction of paternity proceedings concerning children born out of wedlock before this date, so that children that became adult after October 1981 did not have the faculty to initiate paternity proceedings. A new Paternity Law came into force in 2016 extending the right to bring paternity actions to children born out of wedlock before 1st October 1976. The rights of inheritance of children born out of marriage before 1st October 1976 were restricted in order to ensure the protection of the property of heirs and the related protection of legitimate expectations as well as general legal security. Following these legal reforms, one of the applicants has been able to bring paternity action.

Grönmark v. Finland and 3 other cases (17038/04+)
Judgment final on 06/10/2010 (merits) and 12/10/2011 (just satisfaction)
CM/ResDH(2018)326

FRANCE

Protection of private life

Non-rectification of civil status for transgender persons

The possibilities for transgender persons to obtain the necessary modifications on their civil status, already introduced following the Court's judgment in *B. v. France* (13343/87), have been further developed according to the Court's case-law and even beyond it following a legal reform of November 2016 and the adoption of a decree in March 2017. Transgender persons now do not have to undertake a sterilisation

surgery or treatment to obtain the modification of their civil status, provided that they demonstrate that the sex mentioned in their civil status does not correspond to that with regard to which they are perceived and present themselves.

Following the Court's judgments, one of the applicants obtained the modification of her name on her birth certificate and the rectification of the entries of her civil status. At the time of closure of the supervision of this group of cases by the Committee of Ministers, the other applicant had not made any request for modification.

A.P., Garçon and Nicot v. France (79885/12+)
Judgment final on 06/07/2017
CM/ResDH(2018)179

GERMANY

Enforcement of domestic judicial decisions

Lack of domestic remedy to enforce father's visiting rights

A new preventive remedy was introduced in October 2016 applicable to access and certain custody rights proceedings. It notably permits to a party in the proceedings to lodge a claim to expedite the proceedings, which has to be examined within a month. Concerning the applicant, considering the nature of the violation and the child's best interest, the consequences of the violation have been addressed through the allowance of just satisfaction by the European Court.

Kuppinger v. Germany (62198/11)
Judgment final on 15/04/2015
CM/ResDH(2018)447

Protection of private life

End of life: refusal to examine a case on the merits

At the origin of the case was the refusal of the courts to examine the merits of a request lodged by the husband of tetraplegic woman with a view to controlling the lawfulness of the refusal of her request, formulated while she was still alive, to be prescribed a lethal dose of a medicament allowing her to commit suicide at home. Following the judgment of the European Court, the case-law in this matter has changed. The Administrative Tribunal granted the reopening of the procedure. The new procedure ended on 2 March 2017 with a judgment of the Federal Administrative Court. The judgment recognised the right of a person in « extreme distress », because of illness in a terminal stage, to decide when and how to end her life, on condition that the person was capable of expressing freely her will and of acting in consequence. As a consequence the decision by the competent medical authority to refuse her request had been illegal as the authority had not examined whether the wife had been in such a situation of "extreme distress".

Koch v. Germany (497/09)
Judgment final on 17/12/2012
CM/ResDH(2018)32

GREECE

Protection of family life

Expulsion and lifelong ban of re-entry in Greece as a result of a criminal conviction in spite of family ties

According to the Law on Drugs, the courts which passed sentence were under the obligation to order expulsion for life from the Greek territory. This provision was repealed and the Criminal Code amended in order to give to domestic courts a margin of appreciation to decide, in case of expulsion, on the length of the ban from territory (up to ten years). The re-entry permission is granted upon request by the misdemeanours council of the seat of the court which imposed the expulsion. After the expulsion, the person has to wait three years before lodging an application for re-entry except if this person can demonstrate family ties in Greece.

On the basis of the European Court's judgment, the applicant was granted the right to return to Greece.

Kolonja v. Greece (49441/12)
Judgment final on 19/08/2016
CM/ResDH(2018)206

Interferences with property rights

Total automatic loss of pension rights and welfare benefits as a result of a criminal conviction

The impugned provision of the Civil and Military Pensions Code was abolished in 2017. With clear mention of the European Court's judgment, the Court of Auditors annulled the decision from the Director of Staff Pensions of the Social Security Organisation ("IKA") that deprived the applicant of his right to pension. Pension rights of the applicant have been restored and fully paid retroactively.

Apostolakis v. Greece (39574/07)
Judgment final on 01/03/2010
CM/ResDH(2018)204

Expropriation

Inappropriate calculation of compensation for expropriated property

Since 2001, the final determination of the amount of compensation can no longer be decided by the court of first instance but instead by the Court of Appeal. In addition, in 2015 the Plenum of the Court of Cassation ruled that if a decision was quashed following an appeal on points of law and then returned to the Court of Appeal for reconsideration, the Court of Appeal should set the amount of compensation at the date of the comittal hearing.

The new Code on Expropriations applies even if the application concerns an expropriation that took place before its entry into force.

The just satisfaction to compensate the applicant for the difference in value of the property between 1999 and 2012 was paid, as was the just satisfaction in respect of non-pecuniary damage.

Poulimenos and Others v. Greece (41230/12)
Jugement final on 20/10/2017
CM/ResDH(2018)327

LATVIA

Actions of security forces / Protection against ill-treatment

Ill-treatment by police officers and lack of effective investigations

In the framework of legislative and institutional reforms concluded in 2015, the State Police established the Internal Control Bureau, whose main task is to strengthen discipline and legality, and to analyse, plan, coordinate and implement measures aimed at preventing and detecting offences committed by State Police officials and employees. In order to strengthen the institutional independence of investigations into actions of police and prison officials, the Internal Security Bureau was set up by law in 2015. This Bureau is institutionally and practically independent from the police and prison authorities and is organised so as to be able to be rapidly present on the location of any incident and lead investigations. Prosecution supervision has also been strengthened. In 2010, the Prosecutor General issued the Decree on Duties of the Supervising Prosecutor, intensifying prosecutorial supervision of criminal investigations concerning alleged offences by State officials and giving this task priority. This priority has been maintained ever since. As regards the criminal investigations at issue in the cases included in this group, the Prosecutor General concluded that reopening was not possible because of the prescription. No complaints about these conclusions have been lodged by the applicants.

Holodenko v. Latvia and 6 other cases (17215/07+)
Judgment final on 04/11/2013
CM/ResDH(2018)382

Lawfulness of the detention

Unlawful involuntary placement of a person divested of legal capacity in a social care institution

The legal provisions allowing to completely divest a person of his/her legal capacity were declared unconstitutional in 2010 and void of legal force as from 2012. A new regulation establishing a system of partial legal capacity is in force as of 2013, under which the persons concerned will always retain certain rights that may not be restricted, including the right to personally request a court review of decisions restricting legal capacity or freedom, or the right to a court decision to resolve disputes with the guardian. In addition, placement in a social care institution is henceforth voluntary. The termination of placement in an institution has also been simplified and a patient can now personally submit the relevant requests (no permission of the guardian or management of the institution is required). The Ministry of Welfare reviews the

quality of social rehabilitation services and decides on complaints. Its decisions may be challenged before administrative courts. Complaints may also be brought before the Ombudsman. As a result of these measures, and the development of alternative community-based social services, it is expected that by 2020 the number of persons living in this type of institutions will further decrease by 1,000 persons.

The applicant was placed in an open social care institution in 2010 already during the proceedings before the European Court.

Mihailovs v. Latvia (35939/10)
Judgment final on 22/04/2013
CM/ResDH(2018)286

LITHUANIA

Actions of security forces

Ill-treatment by the police and lack of effective investigations

The Police Act was amended in 2017 in order to better define physical and mental restraint and set the conditions for the use of physical and/or mental restraint, special measures, firearms and explosives. The necessity to use coercion only in case of official exigency and to the extent necessary to perform duties was underlined. Excessive use of duress may be subject to disciplinary proceedings and victims of ill-treatment have access to compensatory remedies.

Due to the limitation periods, the investigation into the ill-treatment inflicted could not be reopened in the *Gedrimas* case. On the other hand, following the modification of the limitation periods on 15 June 2010, it was possible to reopen the investigation in the *Yusiv* case.

Gedrimas v. Lithuania and 1 other case (21048/12, 55894/13)
Judgments final on 12/10/2016 and 04/01/2017
CM/ResDH(2018)291

Protection against ill-treatment

Ineffective pre-trial investigations in cases between private individuals

Guidelines and recommendations on the effective and expeditious conduct of a preliminary investigation into allegations of ill-treatment were amended in 2017. It is specified that the prosecutor must adopt the necessary decisions within the legally prescribed time limits and that in the event of delay or misconduct, the Attorney General is entitled to adopt the necessary procedural decisions. He is also in charge of checking the reasonableness and legality of any refusal to open a preliminary inquiry. Training sessions were organized for prosecutors.

The just satisfaction was paid, but the expiry of the limitation period made the reopening of preliminary inquiries in these cases impossible.

Kraulaidis v. Lithuania and 2 other cases (76805/11, 72092/12, 960/13)
Judgments final on 08/02/2017, 11/07/2017 and 13/09/2017
CM/ResDH(2018)290

REPUBLIC OF MOLDOVA

Actions of security forces

Ill-treatment in connection with the repression of major violent demonstrations

The legislative and regulatory framework for the policing of public assemblies was reformed by the Law on the use of physical force, special means and firearms in law enforcement of 19 October 2012. Measures to be taken in case of serious public disturbances comprise de-escalating steps notably vis à vis the organisers of the event, police warnings to the participants about the possibility of using special means of dispersal following a reasonable warning time to comply. Such a warning should be repeated before lawful and proportionate dispersal action. In addition, more detailed police regulations have been issued. A special guide regarding the implementation of the law, taking into account also best practices and UN requirements, was issued in April 2018. In addition, training and awareness-raising measures are regularly organised. Other reforms have ensured independent prosecutorial and judicial investigations of allegations of ill-treatment or unlawful arrests.

As regards the events directly at issue in the Court's judgment, fresh investigatory steps were taken by the prosecution bodies to remedy the shortcomings identified in the initial investigations. Overall about twenty disciplinary proceedings have been initiated, some of which ended with sanctions for the officers and prosecutors concerned. The Government and the Parliament expressed their regrets for the inappropriate reaction of the national law enforcement bodies and the judiciary and compensation was granted to the identified victims.

Taraburca v. Republic of Moldova and 2 other cases (18919/10)
Judgment final on 06/03/2012
CM/ResDH(2018)464

Detention

Unlawful extension of pre-trial detention

The Plenary of the Supreme Court of Justice stated on 15 April 2013 that any motion to extend the pre-trial detention which is lodged later than five days prior to the expiry of an ongoing period of detention must be dismissed and the detainee must be released. In 2016 this position was enshrined in Article 308 of the Code of Criminal Procedure, the constitutionality of which was examined by the Constitutional Court on 21 December 2017. With clear reference the European Court's judgment, the Constitutional Court recalled the peremptory nature of the five-day deadline.

The applicant was released.

Ialamov v. Republic of Moldova (65324/09)
Judgment final on 06/02/2008
CM/ResDH(2018)329

Unlawful arrest and detention on remand without reasonable suspicion

In 2016 substantial amendments were introduced to the Code of Criminal Procedure to ensure its compliance with Article 5 requirements. In particular, "reasonable suspicion" was defined and an instruction given that such suspicion should exist whenever a person is arrested for a period of up to 72 hours. A possibility to challenge the legality of such arrest in court was also introduced (previously it could be challenged only before the prosecutor). Moreover, the possibility to detain on remand a mere suspect was removed, i.e. such detention can now be applied only to a person formally charged or a defendant against whom an indictment act has been delivered. Furthermore, the law now imposes a proportionality test before deciding on the application of detention on remand, including *inter alia* the obligation to verify the existence of reasonable suspicion. In 2018 the General Police Inspectorate launched a Standard Operating Procedure concerning apprehension, escort and detention of persons in police custody, which describes in detail the actions to be taken by police officers during apprehension in line with the Convention standards. All of the applicants had already been released at the time of the European Court's judgments.

Muşuc v. Republic of Moldova and 4 other cases (42440/06+)
Judgment final on 06/02/2008
CM/ResDH(2018)227

Arbitrary arrest and detention without formal procedural status as a suspect or accused

Following an amendment of the Code of Criminal Procedure of 2016 only accused/indicted persons may be arrested. Detention on remand must not exceed twelve months for both pre-trial and trial stages of the criminal proceedings (this rule was confirmed by the Constitutional Court in its decision of 23 February 2016) and shall only be applied when non-custodial measures are ineffective; court orders regarding the custodial measure must be reasoned. In 2017 the Prosecutor's Guide on Detention on Remand drew special attention to these new provisions. The National Institute of Justice organised training courses and seminars for prosecutors, judges and judicial assistants.

Sara v. Republic of Moldova (45175/08)
Judgment final on 20/01/2016
CM/ResDH(2018)296

MONTENEGRO

Right to life

Excessively lengthy investigations into a fatal accident

The measures foreseen in the Code of Criminal Procedure of 2009 (adopted after the facts of the case) to expedite investigations and criminal proceedings are bearing fruit as evidenced in the CEPEJ's annual report 2014. Among the measures introduced figure clear obligations for prosecutors to rapidly gather evidence and data necessary to take the decision to lodge an indictment or to discontinue the investigation

and the plea bargaining, a novelty in the national legal system which contributes greatly to a significant reduction in the criminal courts' workload. Accused persons shall also be brought before the court in the shortest possible time and courts are under an obligation to conduct proceedings without delay. The effectiveness of remedies has also improved in 2015, as the Constitutional Court Act introduced a possibility of lodging a constitutional appeal in respect of not only a decision but also an action or an omission thus rendering this remedy available in case of passivity in the conduct of investigations or criminal proceedings.

The impugned criminal proceedings were brought to an end shortly after the European Court's judgment and four accused were found guilty and sentenced.

Randelović and Others v. Montenegro (66641/10)
Judgment final on 19/12/2017
CM/ResDH(2018)331

Discrimination – Private and family life

Failure to protect a Roma[10] Muslim from a series of apparently ethnically and/or religiously motivated attacks by his neighbours and to investigate them

In order to strengthen the implementation of the legal framework to protect against racially motivated violence, a new stricter practice with regard to the investigation of criminal complaints relating to the incitement of violence or hatred on the basis of race, skin colour, religion, origin, or nationality lodged with the State Prosecution Office was established. In 2014 two complaints were lodged, both leading to conviction. Since 2015-2018 more criminal investigations have been conducted, not infrequently leading to convictions (9 so far, 6 more cases are being investigated). The judgment of the European Court is also used in training activities of the Centre for Training of the Judiciary and Public Prosecution. The Constitutional Court also organised a workshop on the prohibition of discrimination on the basis of this case.

The competent public prosecutor re-examined the case-file and established that new investigations are time-barred. The applicant is currently living in Belgium. Should he wish to return the authorities have undertaken to offer necessary protection.

Alković v. Montenegro (66895/10)
Judgment final on 05/03/2018
CM/ResDH(2018)384

10. The term "Roma and Travellers" is used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the populations designated under the administrative term "Gens du voyage", as well as persons who identify themselves as Gypsies. The present is an explanatory footnote, not a definition of Roma and/or Travellers.

NETHERLANDS

Actions of security forces

Ineffective investigations into the death of an Iraqi civilian involving the Netherlands Royal Army

The Netherlands' system for administering military criminal justice concerning operations involving Dutch military personnel in high-risk areas in the period 2000-2005 was evaluated by independent experts. A report was published providing 21 recommendations with a view to improving legislation, policies and procedures concerning the investigation and prosecution of military personnel deployed abroad. A number of these recommendations were subsequently implemented. An investigatory team has for example been established that can be deployed to a mission area within 24 hours and detailed procedures for investigations into use of force. In addition, an investigation manual which can serve as a reference for the Royal Netherlands Marechaussee (KMar) and as guidance for the Public Prosecution Service in conducting investigations during military operations abroad has been prepared. Both bodies are responsible for investigations and have to consult with each other. The Manual also includes instructions regarding the coordination and cooperation with local criminal justice authorities.

As regards the incident at issue in the judgment, the Public Prosecution Service decided not to prosecute the soldier in question or to reopen the case, and the authorities informed the applicant's counsel of the possibility to lodge a complaint against this decision, but the applicant did not availed himself of this opportunity.

Jaloud v. Netherlands (47708/08)
Judgment final on 20/11/2014
CM/ResDH(2018)47

Freedom of expression

Absence of adequate protection of journalistic sources

According to the new article to the Code of Criminal Procedure that entered into force on 1 October 2018, witnesses to whom information has been entrusted within the framework of the professional reporting of news, the gathering of information for that purpose, or the participation in public debate, have the right to refuse to give evidence or identify sources of information provided that no disproportionate harm to an overriding public interest will result from such a refusal. In addition, journalists may refuse to comply with an order to surrender an object if it would violate their duty to maintain confidentiality in connection with the protection of sources. Any coercive measure against journalists is subject to prior judicial assessment.

The new 2017 Intelligence and Security Services Act entered into force on 1 May 2018 and provides that intelligence and security services intending to use special powers against journalists in order to identify their journalistic sources directly or indirectly must obtain the prior consent of The Hague district court.

The seized objects were returned and the wrongly recorded data has been destroyed. The criminal cases against the applicants were dismissed.

Voskuil v. Netherlands and 2 other cases (64752/01+)
Judgment final on 22/02/2008
CM/ResDH(2018)437

POLAND

Detention / Lawfulness and related issues

Lack of judicial review of decisions to make and continue placements in a social care home

On 24 November 2017, the Mental Health Protection Act, in particular its provisions governing the admittance of totally incapacitated persons to social care homes, was amended and entered into force on 1 January 2018. Each time a totally incapacitated person is being admitted to a social care home, his/her consent is required or, in the event he/she refuses to give consent or cannot grasp the implications of such placement, the placement is based on the guardianship's decision. The incapacitated person can apply to the guardianship court for changing the decision on admission to social care home.

The law envisages obligation of periodic examination of the mental health state of a person admitted (at least every 6 months). These amendments also provide an incapacitated person inter alia with a right to appeal against a decision on compulsory placement.

Additionally, in accordance with the amendments, a court shall appoint an *ex officio* lawyer for a person who is directly affected by the proceedings. An *ex officio* lawyer will also be appointed for a person admitted to a psychiatric hospital or to a social care home without her/his consent. The judgment was included in the training curricula for judges and prosecutors.

The applicant in the *Kędzior* case is no longer confined and had access to a court to seek the restoration of his legal capacity.

Kędzior v. Poland and 1 other case (45026/07+)
Judgment final on 16/01/2013
CM/ResDH(2018)228

Freedom of Association

Lack of possibility to obtain a ruling concerning an authorisation of an event before the time at which it is scheduled to take place

A new Assemblies Act entered into force on 14 October 2015. It provides that the notice on a planned assembly is to be transmitted to the municipal authorities not earlier than 30 days and no later than 6 days in advance; municipal authorities are obliged to issue a decision which bans the assembly no later than within the period of 96 hours before the planned date of the event. The organiser has 24 hours to lodge an appeal to the Regional Court which must decide within 24 hours. Its decision can be appealed against within 24 hours before the Court of Appeal. There is

no cassation appeal available, and the final order of the Court of Appeal has to be executed immediately.

Stowarzyszenie Wietnamczyków w Polsce 'Solidarność i Przyjaźń v. Poland (7389/09)
Judgment final on 02/05/2017
CM/ResDH(2018)452

ROMANIA

Private and Family Life

Disproportionate interference into private life – Paternity actions

The earlier 1 year limitation period to engage paternity proceedings was lifted in 2007. The Constitutional Court had, however, in 2008 limited the new right to children born after 2007. Following the Court's judgment finding this limitation to violate the Convention, on 29 November 2016, the Constitutional Court also held that the maintenance of the one-year limitation period for children born before 2007 violated the child's right to private life.

Following this decision, no paternity action initiated by the child can be dismissed due to the expiry of the limitation period, notwithstanding the birth date of the child.

The applicants have the right to request a reopening of the cases refusing them the right to establish paternity.

Călin and Others v. Romania (25057/11+)
Judgment final on 19/10/2016
CM/ResDH(2018)418

RUSSIAN FEDERATION

Right to free elections

Exclusion from the list of candidates for the parliamentary elections

The possibility of excluding a political party from the right to participate in elections for the sole reason that one of its candidates was withdrawn (whether voluntarily or not) from the party electoral list was found unconstitutional by the Constitutional Court already before the European Court's judgment and new legislative amendments followed and remedied the shortcoming. A further legislative reform ensured that the authorities cannot refuse to register a person as a candidate for parliamentary elections only on the basis that some information on his or her *curriculum vitae* is inaccurate without first providing him or her with an opportunity to correct this information. Both legislative reforms have been integrated in the present Elections Act of 2014.

Russian Conservative Party of Entrepreneurs and Others v. Russian Federation (55066/00) –
Judgment final on 11/04/2007
Krasnov and Skuratov v. Russian Federation (17864/04) –
Judgment final on 31/03/2008
CM/ResDH(2018)17

SLOVAK REPUBLIC

Private and Family Life

Shortcomings of proceedings concerning return of abducted children under the Hague Convention

In March 2015 special civil proceedings were introduced for cases concerning return of children wrongfully removed or retained by the other parent and covered by the Hague Convention on the Civil Aspects of International Child Abduction. Strict time frames were introduced to ensure swift rulings in these cases, notably by preventing delays caused by the procedural behaviour of the parties. In particular, the possibility to submit extraordinary appeals was excluded. The new provisions entered into force on January 2016. In addition, in order to prevent that persons concerned by an individual constitutional complaint before the Constitutional Court, be deprived of the possibility to intervene, an amendment to the Constitutional Court Act was adopted on 1 January 2015, codifying that the Constitutional Court provide notification of the complaint to all persons, whether natural or legal persons, who took or are taking part in the original proceedings in which fundamental rights or freedoms are claimed to have been violated. The notified person shall have the right to submit observations within the time-limits set by the Constitutional Court. The applicant's attempts to obtain the return of his child following the European Court's judgment were to no avail as it was established in the new court proceedings that the other parent had left Slovakia and taken up residence in Hungary.

Frisancho Rerea v. Slovak Republic (383/13)
Judgment final on 21/10/2015
CM/ResDH(2018)95

Interferences with property rights

Disproportionate action to enforce a minimal judgment debt

On 25 March 2018 an obligation was established for enforcement courts to opt on their own motion for less intrusive enforcement measures than the sale of property, notably real estate, following amendments to the Enforcement and Securing of Civil Claims Act. Debtors are also granted a possibility to propose other means of enforcement until the order for sale is issued or to request postponing the enforcement. Enforcement courts are entitled to postpone enforcement if it would put under threat the existence of the debtor or his family *ex officio* or upon the motion of the social work centre. The just satisfaction in respect of pecuniary damage amounted to the difference between the market value of his house sold to cover a small judgment debt of 124 Euros and the price at which the property was sold plus the one-off payment of 10% interest.

Vaskrsić v. Slovak Republic (31371/12)
Judgment final on 25/07/2017
CM/ResDH(2018)261

SLOVENIA

Right to life

Lack of diligence in investigations into medical fault after death in hospital

Beyond the measures taken to accelerate judicial proceedings in general taken in response to other judgments (see the *Lukenda* group), the Patients' Rights Act was amended in 2017 to require the courts to prioritise cases in which patients have suffered injuries or died in the course of medical treatment. Moreover, in case of criminal proceedings, the preliminary investigation and the proceedings themselves should be carried out with particular promptness.

In addition, the "Šilih Project" was initiated in January 2017 in cooperation between the Ministries of Justice and Health, the Supreme Court and the Prosecutor General's Office. This project, which goes beyond the requirements of the European Court in its judgment, aims in particular at putting in place measures to prevent medical errors and ensure the effective exercise of the right to secure adequate medical treatment of high quality. It also aims to ensure the effectiveness of court proceedings so that the responsibility of medical practitioners or health professionals can be established without delay when a patient has died or suffered serious injury as a result of medical treatment.

The applicants concluded an agreement with the Government on 13 December 2016 providing for the payment of compensation in order to solve all outstanding issues of individual redress.

Šilih v. Slovenia (71463/01)
Judgment final on 09/04/2009
CM/ResDH(2018)308

Conditions of detention

Poor detention conditions in the Ljubljana prison and lack of effective remedies

The authorities have adopted a comprehensive and multidimensional approach to combat prison overcrowding, with the result that every prisoner in Ljubljana prison now has at least 4.5m^2 of living space. Part of the approach has been to increase the capacity of the prison, the time spent out of cell and the diversity of activities offered. Moreover, the use of non-custodial sentences and conditional releases has been encouraged. To this end, the Probation Act was passed in May 2017 setting up a dedicated probation body to facilitate the use of these alternative sentences. Furthermore, the construction of a new prison in Ljubljana has been decided. A special procedure for automatic triggering of transfers to other prisons has also been put in place: if the number of prisoners in Ljubljana prison exceeds the prison's operational capacity, the transfer of inmates to other institutions is immediately implemented. In addition, special measures have been taken to prevent excessively high temperatures in the prison cells during the summer. The authorities have, finally, introduced a preventive remedy allowing concrete action to be taken in the

event of poor prison conditions as well as an effective compensatory remedy for released prisoners.

The applicants were no longer in detention at the time of the Court's judgment so no special individual measures were required.

Arapović v. Slovenia and 15 other cases (37927/12+)
Judgment final on 03/04/2015
CM/ResDH(2018) 101

Protection of property

Absence of repayment of "old" foreign currency savings held in foreign branches of the Ljubljanska Banka

On 4 July 2015, the Slovenian authorities set up a repayment scheme in order to honour Slovenia's obligation under the Convention to repay "old" currency-savings deposited, at the time of the dissolution of the Socialist Federal Republic of Yugoslavia (the "SFRY"), in foreign branches of the Ljubljanska Banka, Ljubljana, notably the Sarajevo branch in Bosnia and Herzegovina. Compensation included also lost interests. An estimated total of some 219 million euros will be paid out. The beneficiaries are the original "old" foreign-currency savers and their heirs. In order to inform the public and interested persons about the possibilities and modalities of participating in the repayment scheme, the Ministry of Finance published a public call in the Official Gazette, on its website and in at least two daily newspapers with country-wide circulation in the Republic of Croatia and Bosnia and Herzegovina. The filing of claims has been open from 1 December 2015 to 31 December 2017. Claims have been submitted in a user-friendly verification procedure that verifies entitlements and the balance of unpaid savings that have not been transferred to special privatisation accounts in the States where the branches are or were located. Important efforts have also been made by Bosnia and Herzegovina (where the accounts of the defunct bank are in principle located) and Slovenia to ensure that all relevant information about deposits were made available for an easy verification of claims. The verification process is conducted by the Succession Fund of Slovenia. At the time of closure the payment procedures had started. In case of dispute an appeal lies to the administrative courts.

The inadmissibility decision of the European Court in the *Hodžić v. Slovenia* case (3461/08) confirmed that the Act and its repayment scheme were effectively implemented and the repayment scheme met the criteria set out in the pilot judgment.

The applicants obtained the repayment of their savings through a friendly settlement before the Court.

Ališić and Others v. Slovenia (60642/08)
Judgment final on 16/07/2014
CM/ResDH(2018)111

TURKEY

Private and family life – Gender identity

Sex change operation allowed only if person concerned could prove inability to procreate

The requirement of inability to procreate as a prerequisite for a sexual conversion operation, laid down in Article 40 of the Civil Code, was repealed by a decision of 29 November 2017 of the Constitutional Court.

Prior to the delivery of the judgment of the European Court, the applicant was granted permission in 2013 for sex reassignment surgery, irrespective of any consideration relating to his capacity to procreate or not.

Y.Y. v. Turkey (14793/08)
Judgment final on 10/06/2015
CM/ResDH(2018)395

Fairness of judicial proceedings

Lack of independence and impartiality of the High Military Administrative Court that included two career officers in its composition

The High Military Administrative Court was abolished in 2017 following constitutional amendments. The cases before it were transferred to the Court of Cassation and the Council of State. Cases in which the High Court had first-instance jurisdiction were transferred to the competent civil courts of first instance. Cases that were previously within its jurisdiction fall today under the jurisdiction of civil administrative tribunals. No member of the armed forces sits in these jurisdictions. Pursuant to a law that entered into force on 21 March 2018, the applicants in similar cases pending before the European Court were given the opportunity to request reopening of their proceedings before the Ankara Administrative Court within three months.

Tanisma v. Turkey and 20 other cases (32219/05+)
Judgment final on 02/05/2016
CM/ResDH(2018)422

Unjust conviction for an offence committed through entrapment

The new Code of Criminal Procedure of 2005 introduced a new framework for "undercover investigators", who are now to be appointed by decision of a judge and are subject to special supervision. In particular, it is forbidden to incite the commission of offenses. The law further provides that no decision can be based on illegally obtained evidence. The Court of Cassation has adapted its case law and the action plan for the prevention of violations of the Convention developed in 2014 contained training activities on the subject, particularly for judges and prosecutors. The Turkish Academy of Justice has also published a handbook and the Court's judgments have been disseminated to the relevant authorities.

The applicants did not seek the reopening of the cases. The convictions concerned no longer appear on the criminal record available to the public.

Burak Hun v. Turkey and 1 other case (17570/04+)
Judgment final on 15/03/2010
CM/ResDH(2018)217

UKRAINE

Functioning of justice

Judicial discipline and careers of judges: lack of structural independence and legal certainty

The systems of judicial discipline and careers have been largely reformed, in particular through the adoption of amendments to the Constitution of Ukraine in October 2016 and new legislation in 2017 which created a comprehensive new legal framework for the judiciary. The Higher Council of Justice became fully operational under the new regulations, with the legislative and executive branches fully removed from the judicial disciplinary process. The constitutional amendments and the implementing legislation ensure that the majority of the members of the Higher Council of Justice are judges. The mechanism to review complaints against disciplinary measures, the scope of review, limitation periods, and the balance between the sanctions, their proportionality and coherence were also reviewed through the implementing legislation and the case-law of the Higher Council of Justice and the Supreme Court. On the basis of the above developments, and the implemented individual measures, the Committee closed supervision of cases of *Salov* and *Belukha and Feldman,* which were part of the *Oleksandr Volkov* and *Salov* group of cases.

Salov v. Ukraine (65518/01) - Judgment final on 06/03/2005
Belukha v. Ukraine (33949/02) - Judgment final on 09/03/2007
Feldman v. Ukraine (75556/01) - Judgment final on 04/10/2010
CM/ResDH(2018)232

Excessive formalism in the administration of justice

In the context of the major reform of the Ukrainian judicial system launched in 2014, on 3 October 2017, the Ukrainian Parliament (Verkhovna Rada) adopted a new Code of Commercial Procedure (No. 2147-VIII), aimed among other things at addressing the shortcomings identified in the judgment and prevent arbitrariness and excessive formalism in the administration of justice. The Code introduced a 20-day time-limit for cassation appeals and established a formal procedure for review of applications on extension of time-limits, previously based on judicial practice only.

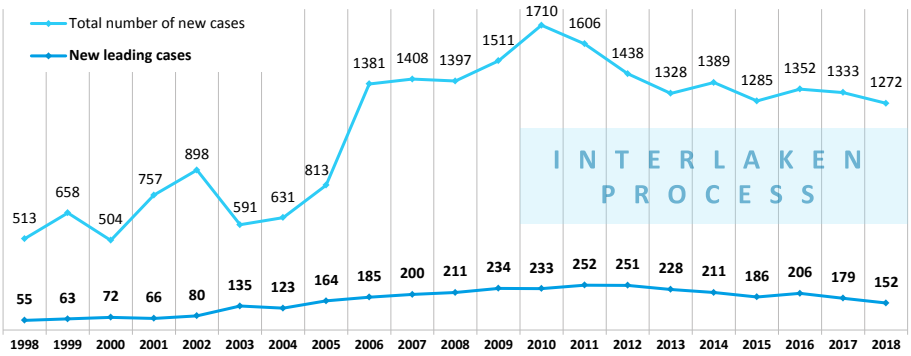
The applicant company was, following the judgment of the European Court, allowed by the Court of Cassation to exercise its right of appeal on points of law before it.

Frida, LLC v. Ukraine (24003/07)
Judgment final on 08/03/2017
CM/ResDH(2018)190

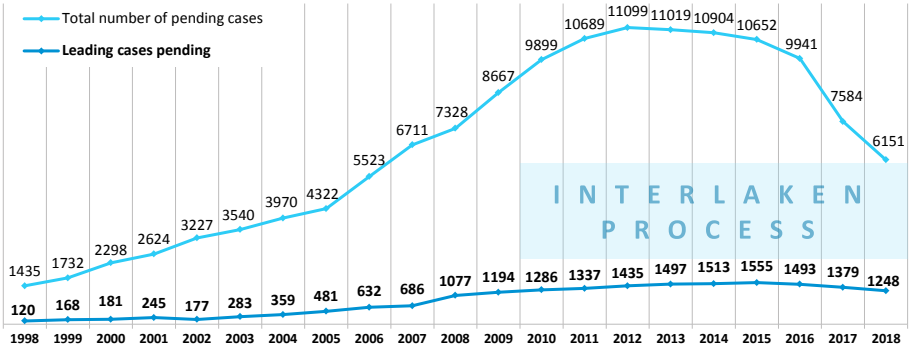
Appendix 1 – Statistics[11]

A. Overview

A.1. New cases

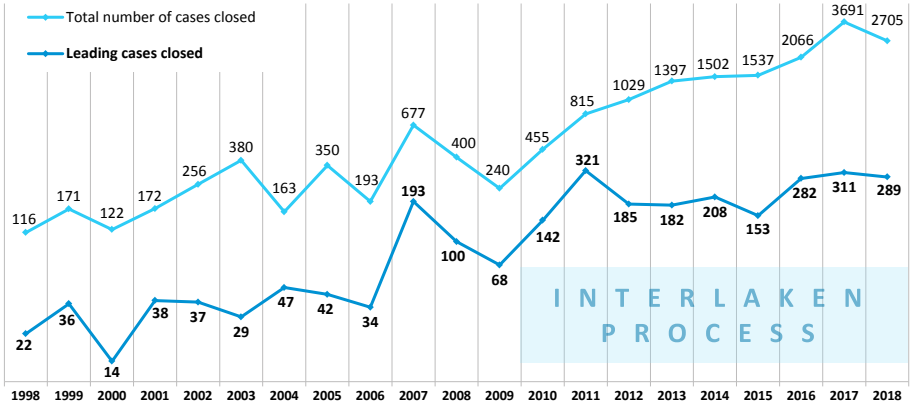


A.2. Pending cases



11. The data presented also includes cases where the Committee of Ministers decided itself whether or not there had been a violation under former Article 32 of the Convention (while this competence in principle disappeared in connection the entry into force of Protocol No. 11 in 1998, a number of such cases remain pending under former Article 32).

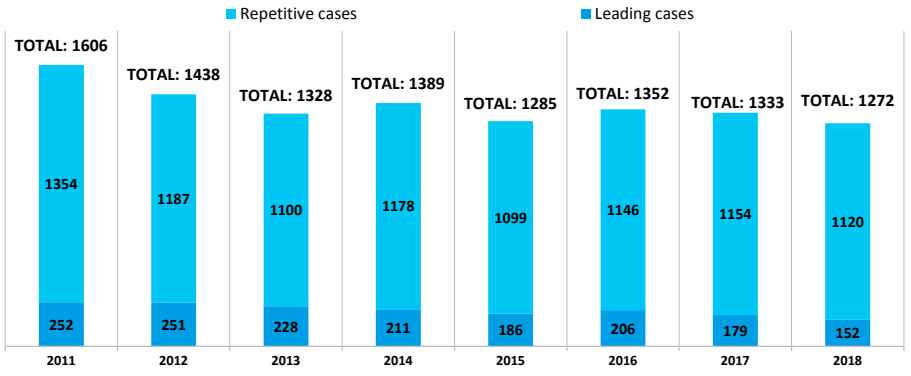
A.3. Closed cases



B. New cases

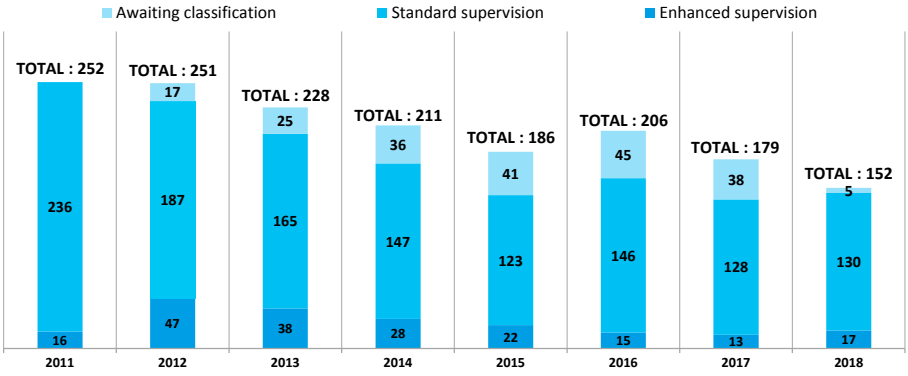
B.1. Leading or repetitive

For cases awaiting classification under enhanced or standard supervision (see B.2.), their qualification as leading or repetitive cases is not yet final.

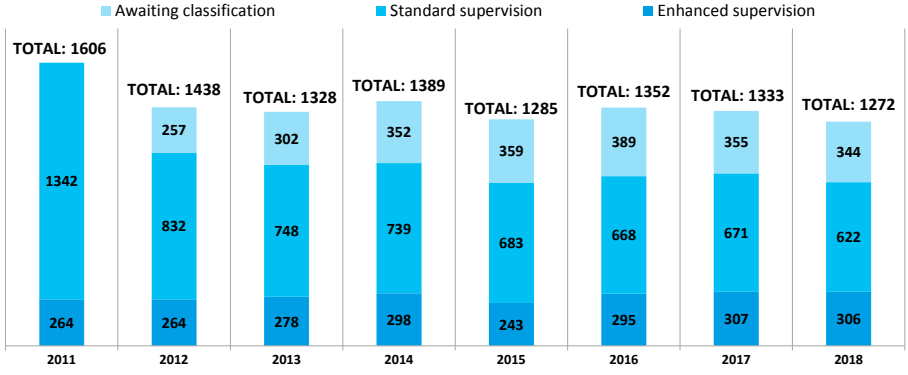


B.2. Enhanced or standard supervision

New leading cases



Total number of new cases
(including repetitive)



B.3. New cases – State by State

STATE	LEADING CASES								REPETITIVE CASES								TOTAL	
	Enhanced supervision		Standard supervision		Awaiting classification		Total of leading cases		Enhanced supervision		Standard supervision		Awaiting classification		Total of repetitive cases			
	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**
Albania			1	4			1	4			1	3			1	3	2	7
Andorra																		
Armenia	1		1	2			2	2			11	5	2	8	13	13	15	15
Austria			1	1	1		2	1			15	4	3		18	4	20	5
Azerbaijan				1	1		1	1	22	4	1	1	5	1	28	6	29	7
Belgium			3	1	1		4	1	1		3	2	1	3	5	5	9	6
Bosnia and Herzegovina		1		3	4		4	4		1	4	7	3	3	7	11	11	15
Bulgaria	1		6	14	1	2	8	16	5	5	15	9	5	6	25	20	33	36
Croatia			4	7	2		6	7	2		14	9	6	2	22	11	28	18
Cyprus		1	1	3			1	4						2		2	1	6
Czech Republic			3	2			3	2				3				3	3	5
Denmark																		
Estonia			1	1			1	1			1				1		2	1
Finland			1				1				1				1		2	
France		1	4	3			4	4	1	1	6	6	1		8	7	12	11
Georgia			2	3	1		3	3	2			1	5	5	7	6	10	9

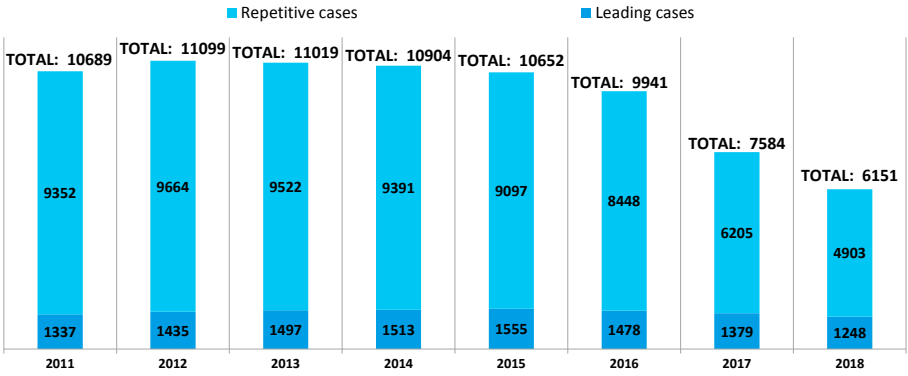
STATE	LEADING CASES								REPETITIVE CASES								TOTAL	
	Enhanced supervision		Standard supervision		Awaiting classification		Total of leading cases		Enhanced supervision		Standard supervision		Awaiting classification		Total of repetitive cases			
	2017	2018	2017	2018	2017	2018	2017	2018	2017	2018	2017	2018	2017	2018	2017	2018	2017	2018
Germany			5	3	1		6	3			3			1	3	1	9	4
Greece	1		4	1	2		7	1	13	12	67	31	16	7	96	50	103	51
Hungary			1	1			1	1	3	3	49	57	8	42	60	102	61	103
Iceland			1	1			1	1			2				2		3	1
Ireland			1				1			1						1	1	1
Italy	2	2	2	6	2		6	8	4	2	9	23	21	15	34	40	40	48
Latvia			5	1	1		6	1			3	3	2		5	3	11	4
Liechtenstein																		
Lithuania	1	1	8	4	1	1	10	6			7	8	1	10	8	18	18	24
Luxembourg				1				1										1
Malta			2	4			2	4		2	1			5	1	7	3	11
Republic of Moldova			3	5	1		4	5	1	10	5	15		8	6	33	10	38
Monaco			1				1										1	
Montenegro			1	6	1		2	6			13	7	2	1	15	8	17	14
Netherlands			1		1		2				1	1	1	3	2	4	4	4
North Macedonia		1	3	1			3	2		1	5	11	3	9	8	21	11	23
Norway				1				1						1		1		2
Poland			5	5			5	5	1	2	24	22	4	14	29	38	34	43

STATE	LEADING CASES								REPETITIVE CASES								TOTAL	
	Enhanced supervision		Standard supervision		Awaiting classification		Total of leading cases		Enhanced supervision		Standard supervision		Awaiting classification		Total of repetitive cases			
	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**
Portugal			1	2	2		3	**2**	5		8	7		4	13	**11**	16	**13**
Romania	2	3	7	6	2	2	11	**11**	13	43	69	60	17	35	99	**138**	110	**149**
Russian Federation	2	3	12	10	5		19	**13**	132	121	109	86	110	61	351	**268**	370	**281**
San Marino																		
Serbia			1				1		9		11	22	17	18	37	**40**	38	**40**
Slovak Republic			1	1			1	**1**	5	1	10	5	6	6	21	**12**	22	**13**
Slovenia			6	5			6	**5**			2			1	2	**1**	8	**6**
Spain			6	3	1		7	**3**									7	**3**
Sweden			1	1			1	**1**									1	**1**
Switzerland			4	3			4	**3**			1		1		2		6	**3**
Turkey		2	9	11	5		14	**13**	20	41	51	73	53	36	124	**150**	138	**163**
Ukraine	3	2	8	3	2		13	**5**	55	39	19	9	22	32	96	**80**	109	**85**
United Kingdom			1				1				2	2	2		4	**2**	5	**2**
TOTAL	**13**	**17**	**128**	**130**	**38**	**5**	**179**	**152**	**294**	**289**	**543**	**492**	**317**	**339**	**1154**	**1120**	**1333**	**1272**

C. Pending cases

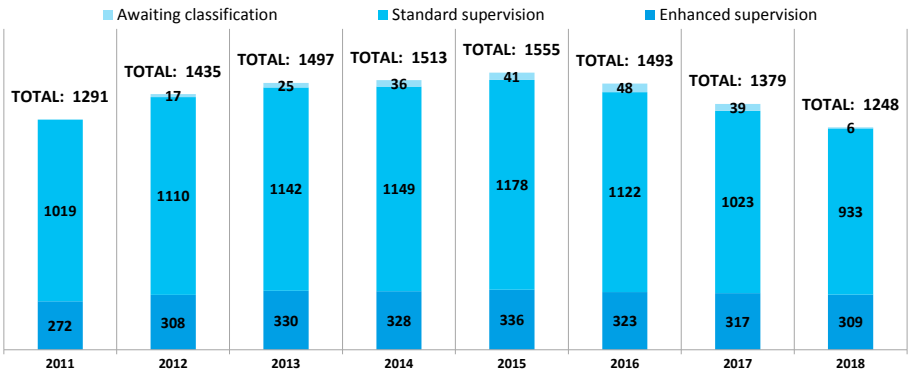
Pending cases are those in which the execution process is on-going. As a consequence, pending cases are at various stages of execution and must not be understood as unexecuted cases. In the overwhelming majority of these cases, individual redress has been provided, and cases remain pending mainly awaiting implementation of general measures, some of which are very complex, requiring considerable time. In many situations, cooperation programmes or country action plans provide, or have provided, support for the execution processes launched.

C.1. Leading or repetitive

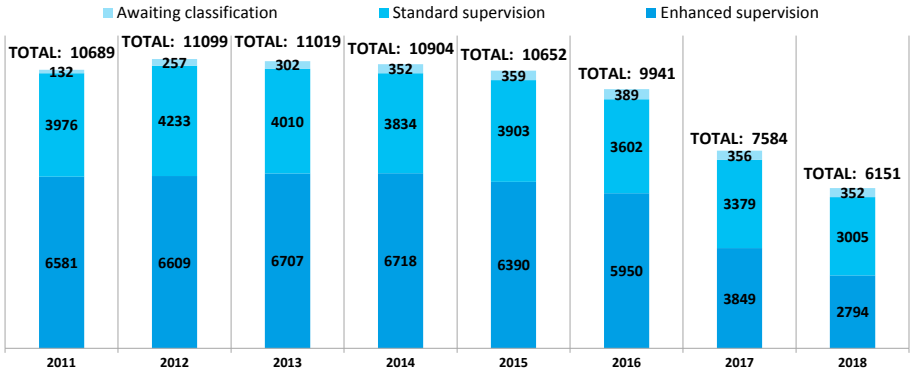


C.2. Enhanced or standard supervision

Leading cases pending



Total number of pending cases
(including repetitive)



C.3. Pending cases – State by State

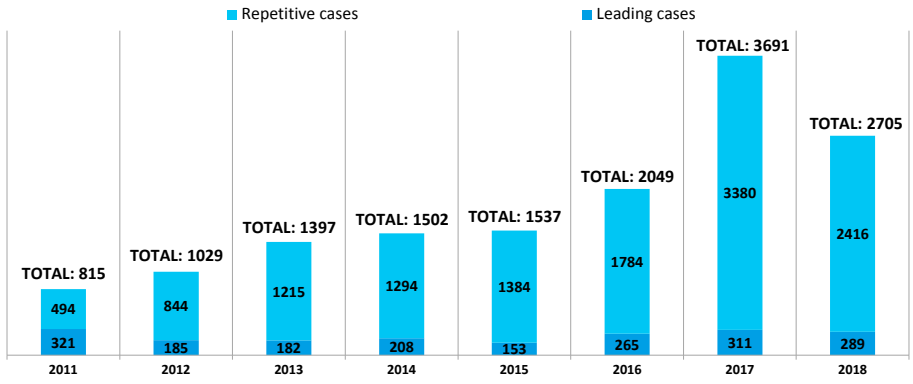
STATE	LEADING CASES								REPETITIVE CASES								TOTAL	
	Enhanced supervision		Standard supervision		Awaiting classification		Total of leading cases		Enhanced supervision		Standard supervision		Awaiting classification		Total of repetitive cases			
	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**
Albania	3	1	6	8			9	9	22	3	17	25			39	28	48	37
Andorra																		
Armenia	4	4	7	9			11	13	2	3	15	12	2	8	19	23	30	36
Austria			14	10	1		15	10			14	9	3		17	9	32	19
Azerbaijan	14	14	39	41	1		54	55	82	87	56	43	5	1	143	131	197	186
Belgium	4	4	8	7	1		13	11	21	5	4	2	1	3	26	10	39	21
Bosnia and Herzegovina	3	4	4	5	4		11	9	3	4	13	8	3	3	19	15	30	24
Bulgaria	21	21	55	67	1	2	77	90	66	51	59	60	5	7	130	118	207	208
Croatia	3	3	58	42	2		63	45	7	8	109	36	6	2	122	46	185	91
Cyprus	1	3	3	4			4	7	4					2	4	2	8	9
Czech Republic	1	1	6	3			7	4				3				3	7	7
Denmark			1				1										1	
Estonia			2	1			2	1									2	1
Finland			13	9			13	9			29	20			29	20	42	29
France		1	16	16			16	17		1	17	14	1		18	15	34	32
Georgia	4	5	8	10	1		13	15	16	15	2	6	5	5	23	26	36	41

STATE	LEADING CASES								REPETITIVE CASES								TOTAL	
	Enhanced supervision		Standard supervision		Awaiting classification		Total of leading cases		Enhanced supervision		Standard supervision		Awaiting classification		Total of repetitive cases			
	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**
Germany			15	15	1		16	15			2	2		1	2	3	18	18
Greece	12	11	41	36	2		55	47	86	78	148	106	16	7	250	191	305	238
Hungary	8	9	46	42			54	51	34	30	109	129	8	42	151	201	205	252
Iceland			2	3			2	3			2				2		4	3
Ireland	1	1	2	2			3	3	4						4		7	3
Italy	19	20	33	37	2		54	57	231	72	83	101	21	15	335	188	389	245
Latvia			24	5	1		25	5			6	2	2		8	2	33	7
Liechtenstein			1	1			1	1			1	1			1	1	2	2
Lithuania	3	4	17	14	1	1	21	19			8	12	1	10	9	22	30	41
Luxembourg				1				1										1
Malta	1	3	7	9			8	12	1	5	4	1		5	5	11	13	23
Republic of Moldova	22	10	53	43	1		76	53	116	29	79	83		8	195	120	271	173
Monaco			1				1										1	
Montenegro			2	3	1		3	3			9		2	1	11	1	14	4
Netherlands	1		8	3	1		10	3			1	1	1	3	2	4	12	7
North Macedonia	2	3	23	14			25	17		1	24	25	3	9	27	35	52	52
Norway														1		1		1
Poland	8	7	23	24			31	31	53	21	38	34	4	14	95	69	126	100

STATE	LEADING CASES								REPETITIVE CASES								TOTAL	
	Enhanced supervision		Standard supervision		Awaiting classification		Total of leading cases		Enhanced supervision		Standard supervision		Awaiting classification		Total of repetitive cases			
	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**
Portugal	1	1	11	15	2		14	**16**	13	3	11	11		4	24	**18**	38	**34**
Romania	18	21	38	38	2	2	58	**61**	383	116	95	97	17	35	495	**248**	553	**309**
Russian Federation	59	56	151	154	6	1	216	**211**	977	905	386	402	110	67	1473	**1374**	1689	**1585**
San Marino			1				1										1	
Serbia	6	6	13	6			19	**12**	60	1	52	29	17	18	129	**48**	148	**60**
Slovak Republic	1	1	8	6			9	**7**	8	9	40	14	6	6	54	**29**	63	**36**
Slovenia	2	1	18	9			20	**10**	16		14	2		1	30	**3**	50	**13**
Spain	1	1	17	13	1		19	**14**			12	6			12	**6**	31	**20**
Sweden			2	3			2	**3**									2	**3**
Switzerland	1	1	6	7			7	**8**			1		1		2		9	**8**
Turkey	36	37	136	125	5		177	**162**	442	373	774	666	53	36	1269	**1075**	1446	**1237**
Ukraine	53	53	81	70	2		136	**123**	876	659	122	109	22	32	1020	**800**	1156	**923**
United Kingdom	4	2	3	3			7	**5**	9	6		1	2		11	**7**	18	**12**
TOTAL	**317**	**309**	**1023**	**933**	**39**	**6**	**1379**	**1248**	**3532**	**2485**	**2356**	**2072**	**317**	**346**	**6205**	**4903**	**7584**	**6151**

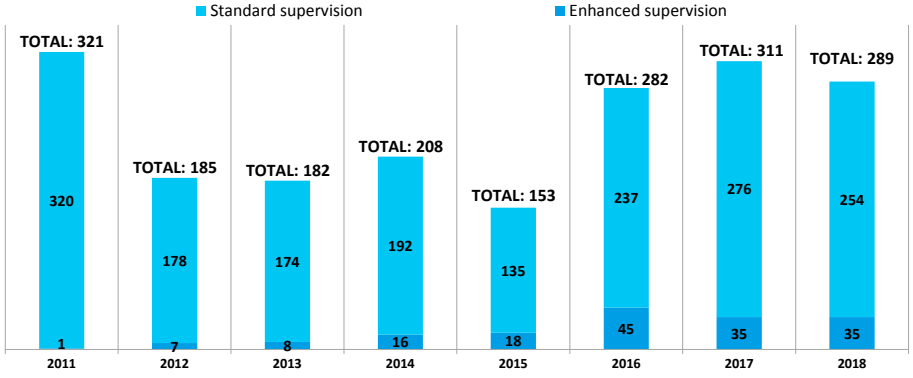
D. Closed cases

D.1. Leading or repetitive

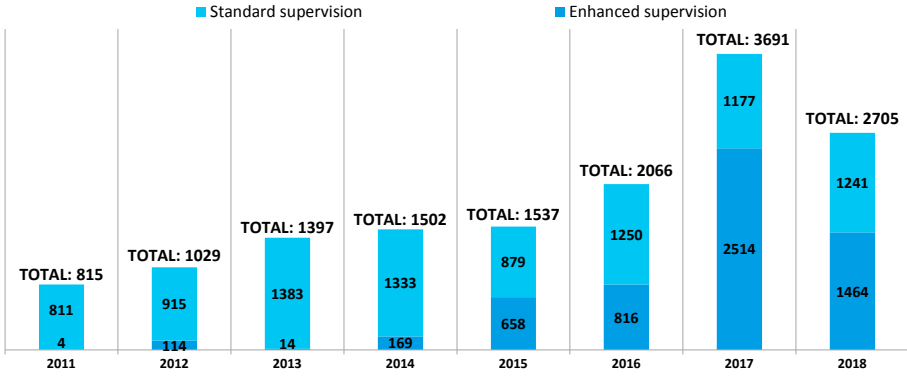


D.2. Enhanced or standard supervision

Leading cases closed



Total number of cases closed
(including repetitive)



D.3. Closed cases – State by State

STATE	LEADING CASES						REPETITIVE CASES						TOTAL	
	Enhanced supervision		Standard supervision		Total of leading cases		Enhanced supervision		Standard supervision		Total of repetitive cases			
	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**
Albania	1	2	1	2	2	4	2	14			2	14	4	18
Andorra			2		2								2	
Armenia			3		3				1	9	1	9	4	9
Austria			1	6	1	6			18	12	18	12	19	18
Azerbaijan										18		18		18
Belgium		1	5	3	5	4		15	16	5	16	20	21	24
Bosnia-Herzegovina	1		4	6	5	6			7	15	7	15	12	21
Bulgaria	5		23	3	28	3	64	21	24	11	88	32	116	35
Croatia			13	25	13	25			10	87	10	87	23	112
Cyprus	1		1	1	2	1		4				4	2	5
Czech Republic			2	5	2	5			4		4		6	5
Denmark				1		1								1
Estonia			3	2	3	2			2		2		5	2
Finland				4		4			1	9	1	9	1	13
France	3		9	4	12	4	3		21	9	24	9	36	13
Georgia	3		3	2	6	2		1	7	1	7	2	13	4
Germany			11	4	11	4			7		7		18	4

STATE	LEADING CASES						REPETITIVE CASES						TOTAL	
	Enhanced supervision		Standard supervision		Total of leading cases		Enhanced supervision		Standard supervision		Total of repetitive cases			
	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**
Greece	1	1	5	10	6	**11**	12	20	91	87	103	**107**	109	**118**
Hungary	1			3	1	**3**	252	9	43	44	295	**53**	296	**56**
Iceland										2		**2**		**2**
Ireland								5				**5**		**5**
Italy	7	1	19	4	26	**5**	1862	161	113	26	1975	**187**	2001	**192**
Latvia			22	21	22	**21**			9	9	9	**9**	31	**30**
Liechtenstein														
Lithuania	1		8	8	9	**8**			6	5	6	**5**	15	**13**
Luxembourg			1		1								1	
Malta			1		1				1	1	1	**1**	2	**1**
Republic of Moldova	1	13	8	16	9	**29**	3	94	14	13	17	**107**	26	**136**
Monaco				1		**1**								**1**
Montenegro			6	6	6	**6**			13	18	13	**18**	19	**24**
Netherlands		1		6		**7**			2	2	2	**2**	2	**9**
North Macedonia	2		4	10	6	**10**			19	13	19	**13**	25	**23**
Norway			1	1	1	**1**							1	**1**
Poland		1	4	3	4	**4**	103	36	26	29	129	**65**	133	**69**
Portugal			2		2			10	17	7	17	**17**	19	**17**

STATE	LEADING CASES						REPETITIVE CASES						TOTAL	
	Enhanced supervision		Standard supervision		Total of leading cases		Enhanced supervision		Standard supervision		Total of repetitive cases			
	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**
Romania	1		25	9	26	**9**	4	317	114	67	118	**384**	144	**393**
Russian Federation	2	7	12	11	14	**18**	114	256	126	111	240	**367**	254	**385**
San Marino			1	1	1	**1**							1	**1**
Serbia	2		7	7	9	**7**	2	63	41	58	43	**121**	52	**128**
Slovak Republic	1		2	3	3	**3**	1		14	37	15	**37**	18	**40**
Slovenia		1	7	14	7	**15**		16		12		**28**	7	**43**
Spain			6	8	6	**8**			11	6	11	**6**	17	**14**
Sweden			1		1								1	
Switzerland			4	2	4	**2**				2		**2**	4	**4**
Turkey		3	23	26	23	**29**	6	116	94	227	100	**343**	123	**372**
Ukraine	2	2	20	16	22	**18**	51	268	27	32	78	**300**	100	**318**
United Kingdom		2	6		6	**2**		3	2	3	2	**6**	8	**8**
TOTAL	**35**	**35**	**276**	**254**	**311**	**289**	**2479**	**1429**	**901**	**987**	**3380**	**2416**	**3691**	**2705**

E. Supervision process

E.1. Action plans / Action reports

A general practice of gathering relevant execution information in **action plans** to be provided within six months of the judgment becoming final, and in **action reports,** as soon as execution was deemed completed by the respondent State, was introduced in 2011. Earlier, information was conveyed in many different forms, without specific deadlines.

Year	Action plans received	Action reports received	Reminder letters[12] (States concerned)
2018	187	462	53 (16)
2017	249	570	75 (36)
2016	252	504	69 (27)
2015	236	350	56 (20)
2014	266	481	60 (24)
2013	229	349	82 (29)
2012	158	262	62 (27)
2011	114	236	32 (17)

E.2. Interventions of the Committee of Ministers[13]

Year	Number of interventions of the CM during the year	Total cases / groups of cases examined	States concerned	States with cases under enhanced supervision
2018	**122**	128	**29**	31
2017	**157**	116	**26**	31
2016	**148**	107	**30**	31
2015	**108**	64	**25**	31
2014	**111**	68	**26**	31
2013	**123**	76	**27**	31
2012	**119**	67	**26**	29
2011	**97**	52	**24**	26

12. According to the new working methods, when the six-month deadline for States to submit an action plan / report has expired and no such document has been transmitted to the Committee of Ministers, the Department for the Execution of Judgments sends a reminder letter to the delegation concerned. If a member State has not submitted an action plan/report within three months after the reminder, and no explanation of this situation is given to the Committee of Ministers, the Secretariat is responsible for proposing the case for detailed consideration by the Committee of Ministers under the enhanced procedure (see CM/Inf/DH(2010)45final, item IV).
13. Examinations during ordinary meetings of the CM without any decision adopted are not included in these tables.

The Committee of Ministers' interventions are divided as follows:

Year	Examined four times or more	Examined three times	Examined twice	Examined once
2018	4	1	11	81
2017	6	2	17	89
2016	5	6	11	85
2015	4	10	9	41
2014	6	5	11	46
2013	6	5	14	51
2012	6	9	11	41
2011	1	12	12	27

E.3. Transfers of leading cases/groups of cases

Transfers to enhanced supervision

In 2018, 4 leading cases/groups of cases concerning 3 states (Cyprus, Malta and Hungary) have been transferred from standard to enhanced supervision. In 2017, 2 leading cases/groups of cases concerning 2 states (Ireland and Russian Federation) had been transferred. In 2016, 6 leading cases/groups of cases concerning 4 states (Bulgaria, Georgia, Romania and Turkey). In 2015, 2 leading cases/groups of cases concerning 2 states (Hungary and Turkey). In 2014, 7 leading cases/groups of cases concerning 4 states (Bulgaria, Lithuania, Poland and Turkey). In 2013, 2 leading cases/groups of cases concerning 2 states (Italy and Turkey). In 2012, 1 leading case/group of cases concerning 1 state (Hungary). No leading case/group of cases transferred in 2011.

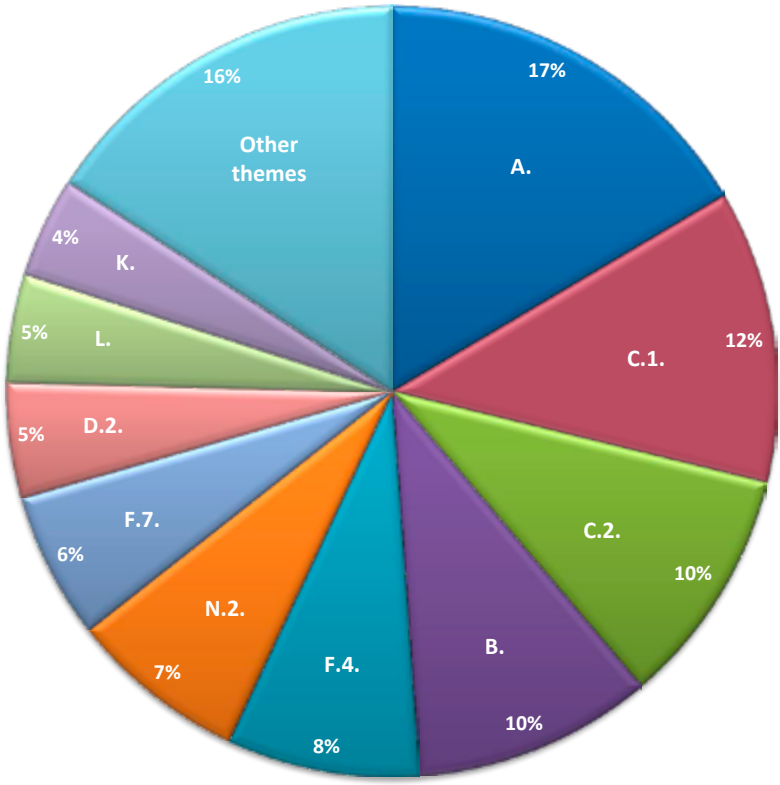
Transfers to standard supervision

In 2018, no leading cases/groups of cases have been transferred from enhanced to standard supervision. In 2017, 5 leading cases/groups of cases concerning 3 states (Bulgaria, Bosnia and Herzegovina and Russian Federation) had been transferred from enhanced to standard supervision. In 2016, 4 leading cases/groups of cases concerning 3 states (Greece, Ireland and Turkey). In 2015, 2 leading cases/groups of cases concerning 2 states (Norway and the United Kingdom). In 2014, 19 leading cases/groups of cases concerning 7 states (Bosnia and Herzegovina, Germany, Greece, Hungary, Italy, Poland and Russian Federation). In 2013, 7 leading cases/groups of cases concerning 3 states (Slovenia, Turkey and Russian Federation). In 2012, 9 leading case/group of cases concerning 6 states (Croatia, Spain, Republic of Moldova, Poland, Russian Federation and the United Kingdom). In 2011, 4 leading case/group of cases concerning 4 states (France, Georgia, Germany and Poland).

E.4. Civil society contributions

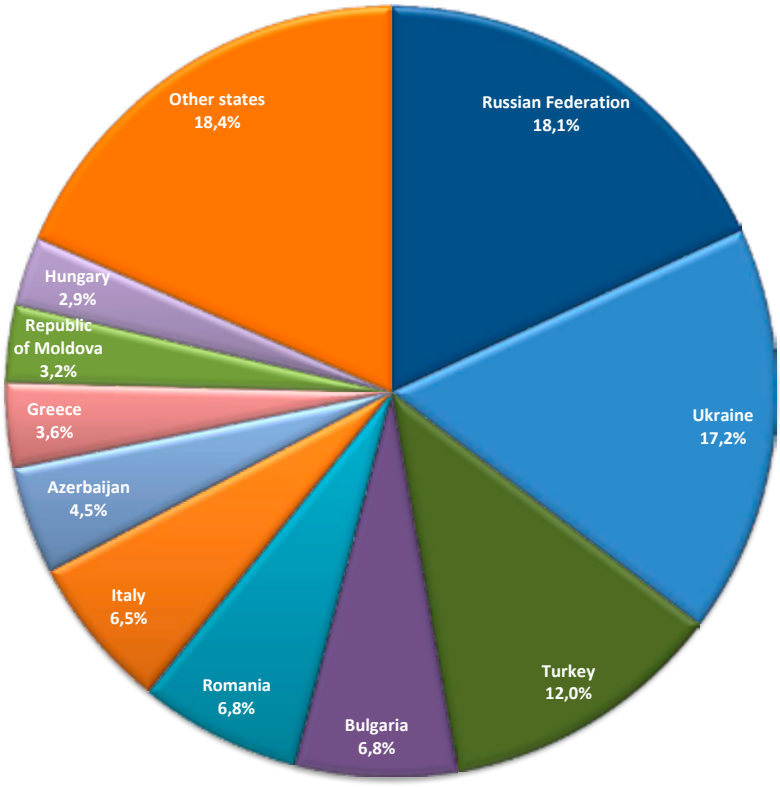
Year	Contributions from Non-Governmental Organisations (NGO) or National Human Rights Institutions (NHRI)	States concerned
2018	64	19
2017	79	19
2016	90	22
2015	81	21
2014	80	21
2013	81	18
2012	47	16
2011	47	12

E.5. Main themes under enhanced supervision



- A. Actions of security forces
- C.1. Lawfulness of detention and related issues
- C.2. Conditions of detention - medical care
- B. Right to life - Protection against ill-treatment: specific situations
- F.4. Length of judicial proceedings
- N.2. Other interferences with property rights
- F.7. Execution of domestic judicial decisions
- D.2. Lawfulness of expulsion or extradition
- L. Freedom of assembly and association
- K. Freedom of expression
- Other themes

E.6. Main States with cases under enhanced supervision

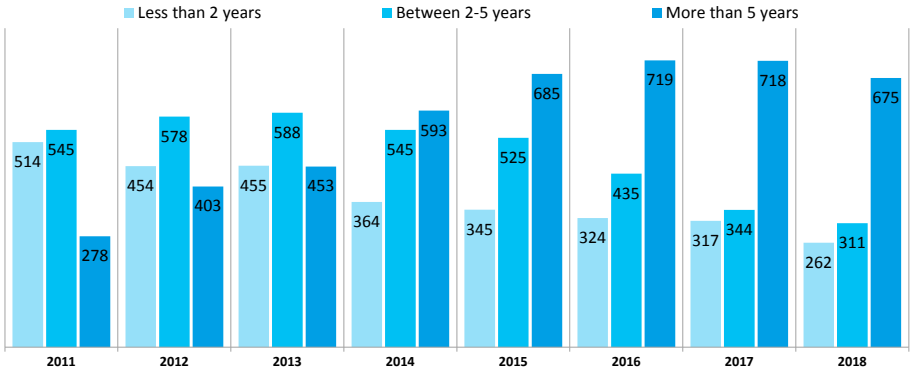


F. Length of the execution process

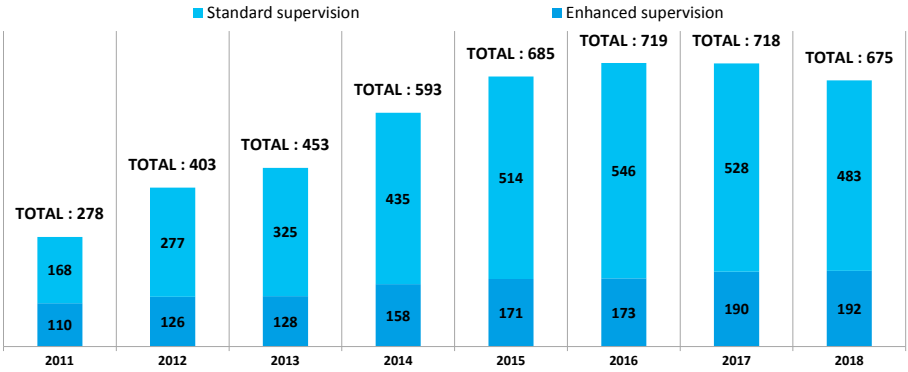
F.1. Leading cases pending

(at the end of the year)

Overview: standard and enhanced supervision



Focus on leading cases pending for more than five years



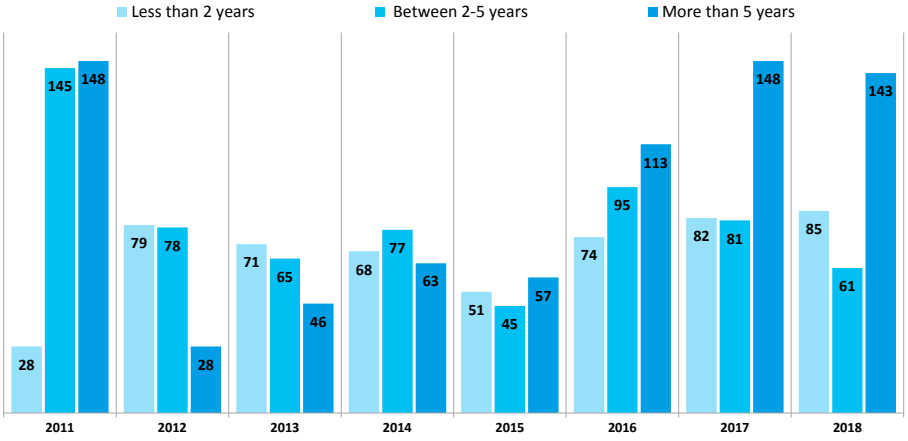
Leading cases pending – State by State

STATE	ENHANCED SUPERVISION						STANDARD SUPERVISION					
	< 2 years		2-5 years		>5 years		< 2 years		2-5 years		>5 years	
	2017	2018	2017	2018	2017	2018	2017	2018	2017	2018	2017	2018
Albania			1	1	2		1	5	1	1	4	2
Andorra												
Armenia	1	1	2	1	1	2	4	3	1	3	2	3
Austria							1	3	4		9	7
Azerbaijan	1		4	4	9	10	1	2	21	9	17	30
Belgium			3	2	1	2	6	3		3	2	1
Bosnia and Herzegovina		1			3	3	1	3		1	3	1
Bulgaria	4	1	4	6	13	14	18	21	15	21	22	25
Croatia			1	1	2	2	8	8	21	12	29	22
Cyprus		1	1			2	2	3		1	1	
Czech Republic					1	1	3	3	3			
Denmark							1					
Estonia							1		1	1		
Finland							1		2	2	10	7
France		1					5	5	8	8	3	3
Georgia		1	1	1	3	3	4	6	2	2	2	2
Germany							9	8	5	7	1	
Greece	2	1	3	4	7	6	8	9	7	5	26	22
Hungary	2		5	5	1	4	9	2	15	16	22	24

STATE	ENHANCED SUPERVISION						STANDARD SUPERVISION					
	< 2 years		2-5 years		>5 years		< 2 years		2-5 years		>5 years	
	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**
Iceland							1	2			1	1
Ireland					1	1	1	1	1	1		
Italy	5	4	4	5	10	11	5	10	18	17	10	10
Latvia							7	1	14	3	3	1
Liechtenstein							1			1		
Lithuania	1	2			2	2	11	8	3	5	3	1
Luxembourg								1				
Malta	1			1		2	2	5	2	2	3	2
Republic of Moldova			4	2	18	8	7	3	6	4	40	36
Monaco							1					
Montenegro							2	2		1		
Netherlands			1				4	1	1	2	3	
North Macedonia	1	1		1	1	1	4	1	8	6	11	7
Norway												
Poland			5	3	3	4	12	7	2	8	9	9
Portugal			1			1	7	5	3	9	1	1
Romania	3	5	6	6	9	10	19	13	12	18	7	7
Russian Federation	5	6	11	12	43	38	17	26	27	19	107	109
San Marino											1	
Serbia			3	2	3	4	4	1	3		6	5
Slovak Republic			1	1			2	1	4	3	2	2
Slovenia			1		1	1	7	6	2		9	3
Spain			1	1			8	10	3	2	6	1
Sweden							2	2		1		
Switzerland	1			1			3	4	1	1	2	2
Turkey	3	2	9	11	24	24	21	21	23	22	92	82
Ukraine	4	5	20	14	29	34	12	10	12	7	57	53
United Kingdom			1		3	2	1			1	2	2
TOTAL	**34**	**32**	**93**	**85**	**190**	**192**	**244**	**225**	**251**	**225**	**528**	**483**

F.2. Leading cases closed

Overview: standard and enhanced supervision



Leading cases closed – State by State

STATE	ENHANCED SUPERVISION						STANDARD SUPERVISION					
	< 2 years		2-5 years		>5 years		< 2 years		2-5 years		>5 years	
	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**
Albania					1	2			1			2
Andorra							1		1			
Armenia							2		1			
Austria										3	1	3
Azerbaijan												
Belgium				1			3	2			2	1
Bosnia and Herzegovina			1				1	4	3			2
Bulgaria					5		5		3	2	15	1
Croatia							4	7	3	6	6	12
Cyprus					1		1	1				
Czech Republic								2	2	2		1
Denmark								1				
Estonia							3	1		1		
Finland								1				3
France			2		1		2	2	6	2	1	
Georgia					3				1	2	2	
Germany							3		3	2	5	2
Greece			1			1	3	3	1	4	1	3

STATE	ENHANCED SUPERVISION						STANDARD SUPERVISION					
	< 2 years		2-5 years		>5 years		< 2 years		2-5 years		>5 years	
	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**
Hungary					1							3
Iceland												
Ireland												
Italy	1		1		5	1	1	1	5	2	13	1
Latvia							6	6	6	7	10	8
Liechtenstein												
Lithuania			1				2	6	5		1	2
Luxembourg							1					
Malta							1					
Republic of Moldova			1			13	2	8	3	4	3	4
Monaco								1				
Montenegro							2	6	3		1	
Netherlands				1				1		1		4
North Macedonia	1				1		2	3		2	2	5
Norway							1	1				
Poland						1	4	3				
Portugal							1		1			
Romania					1		8	2	7	2	10	5
Russian Federation					2	7	2	1	1	1	9	9
San Marino							1					1
Serbia					2		2	3	2	3	3	1
Slovak Republic			1					1	2	1		1
Slovenia				1			4	6	1	2	2	6
Spain							1	1		1	5	6
Sweden							1					
Switzerland							3	1	1	1		
Turkey						3	2	6	8	5	13	15
Ukraine				1	2	1		4	2	1	18	11
United Kingdom						2	5		1			
TOTAL	**2**	**0**	**8**	**4**	**25**	**31**	**80**	**85**	**73**	**57**	**123**	**112**

G. Just satisfaction

G.1. Just satisfaction awarded

Global amount

YEAR	TOTAL AWARDED (€)
2018	68 739 884 €
2017	60 399 112 €
2016	82 288 795 €
2015	53 766 388 €
2014	2 039 195 858 €
2013	135 420 274 €
2012	176 798 888 €
2011	72 300 652 €
2010	64 032 637 €

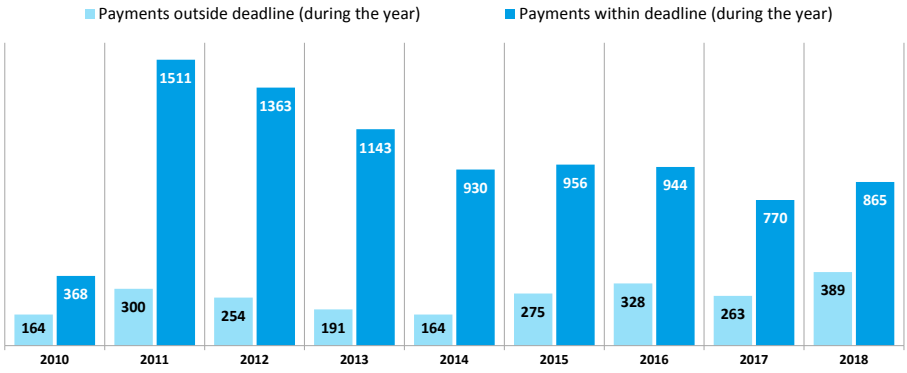
State by State

STATE	TOTAL AWARDED (EN €)	
	2017	**2018**
Albania	123 600 €	13 452 860 €
Andorra	0 €	0 €
Armenia	106 665 €	195 940 €
Austria	145 312 €	73 180 €
Azerbaijan	817 451 €	186 972 €
Belgium	137 660 €	38 905 €
Bosnia and Herzegovina	33 300 €	182 661 €
Bulgaria	639 035 €	794 968 €
Croatia	669 733 €	453 537 €
Cyprus	0 €	56 370 €
Czech Republic	88 799 €	78 922 €
Denmark	0 €	0 €
Estonia	8 300 €	6 000 €
Finland	28 502 €	0 €
France	88 279 €	6 731 310 €
Georgia	120 151 €	36 633 €
Germany	54 748 €	1 126 472 €
Greece	3 660 288 €	1 396 839 €
Hungary	1 036 832 €	5 578 364 €
Iceland	25 000 €	17 500 €

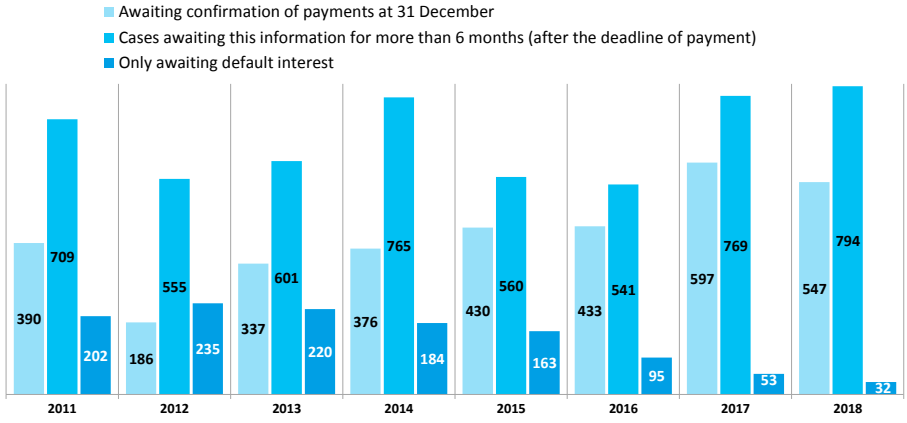
STATE	TOTAL AWARDED (EN €)	
	2017	**2018**
Ireland	20 000 €	9 000 €
Italy	12 545 831 €	9 792 285 €
Latvia	142 284 €	23 410 €
Liechtenstein	0 €	0 €
Lithuania	190 817 €	428 464 €
Luxembourg	0 €	0 €
Malta	52 500 €	699 540 €
Republic of Moldova	98 698 €	297 355 €
Monaco	3 000 €	0 €
Montenegro	118 741 €	87 270 €
Netherlands	33 356 €	22 062 €
North Macedonia	87 530 €	124 900 €
Norway	0 €	25 000 €
Poland	1 755 819 €	852 177 €
Portugal	157 635 €	273 075 €
Romania	2 660 196 €	5 806 667 €
Russian Federation	14 557 886 €	13 115 481 €
San Marino	0 €	0 €
Serbia	147 386 €	251 400 €
Slovak Republic	5 940 023 €	3 926 843 €
Slovenia	170 790 €	85 344 €
Spain	822 031 €	78 071 €
Sweden	5 000 €	3 300 €
Switzerland	107 562 €	70 720 €
Turkey	11 580 458 €	1 559 380 €
Ukraine	1 195 237 €	794 586 €
United Kingdom	222 677 €	6 120 €
TOTAL	**60 399 112 €**	**68 739 884 €**

G.2. Respect of payment deadlines

Overview



Information on payments made



State by State

STATE	RESPECT OF PAYMENT DEADLINES									
	Payments within deadline (during the year)		Payments outside deadline (during the year)		Cases only awaiting default interest		Cases awaiting confirmation of payments at 31 December		... including cases awaiting this information for more than six months (outside payment deadline)	
	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**
Albania		1	4	6	1		20	17	19	14
Andorra			1							
Armenia	12	11					1	5		2
Austria	14	4					2	4		1
Azerbaijan	1	70		2			115	51	95	46
Belgium	12	4	7	7	3		4	2	1	
Bosnia and Herzegovina	5	12		3			7	6	2	2
Bulgaria	41	19	8	6			7	9	4	5
Croatia	27	19	3	1			3	1		
Cyprus	1	1						2		
Czech Republic	8	2						2		
Denmark	1									
Estonia	3	1								
Finland	2	4		2			6		6	
France	4	6	18	4			3	2		
Georgia	8	8					4	3	1	1
Germany	8	4		1			1	2		1
Greece	117	53	9	5			39	33	18	10
Hungary	42	70	2	2			89	110	45	30
Iceland		1		1			1			
Ireland	1	1								
Italy	17	17	31	28	13	13	65	57	35	41
Latvia	8	7		1			4		1	
Liechtenstein										
Lithuania	13	13					3	10	1	
Luxembourg										
Malta	2	8	1	1			1	3	1	1

STATE	RESPECT OF PAYMENT DEADLINES									
	Payments within deadline (during the year)		Payments outside deadline (during the year)		Cases only awaiting default interest		Cases awaiting confirmation of payments at 31 December		... including cases awaiting this information for more than six months (outside payment deadline)	
	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**	2017	**2018**
Republic of Moldova	17	22	2				1	17		
Monaco	1									
Montenegro	16	11	1	3			2			
Netherlands	4	3					1			
Norway	23	11		1			5	14	1	
North Macedonia								1		
Poland	34	43		4	2		24	17	16	3
Portugal	7	16	7	3			12	3	1	
Romania	92	69	48	38			40	67	16	15
Russian Federation	60	59	50	159	6	7	493	540	230	376
San Marino										
Serbia	21	28	9	15			21	22	3	3
Slovak Republic	25	13	1[14]				4	4	1	
Slovenia	8	4						2		
Spain	4	4	2	2			6	3	4	1
Sweden	2	1								
Switzerland	5	5					2			
Turkey	54	184	36	46	20	2	105	76	56	46
Ukraine	45	54	22	47	8	10	273	255	212	196
United Kingdom	5	2	1	1			2	1		
TOTAL	**770**	**865**	**263**	**389**	**53**	**32**	**1366**	**1341**	**769**	**794**

14. The delay in the payment resulted from the fact that the European Court rectified subsequently the judgment by increasing the just satisfaction awarded. The additional amount was paid 22 days after the rectification

H. Additional statistics

H.1. Overview of friendly settlements and WECL cases

(WECL: cases whose merits are already covered by well-established case-law of the Court)

A friendly settlement with undertaking implies a defendant State commitment to adopt general measures in order to address and prevent future similar violations.

Year	"WECL" cases Article 28§1b	New friendly settlements without undertaking	New friendly settlements with undertaking	TOTAL of new friendly settlements
2018	**523**	275	7	**282**
2017	**507**	383	23	**406**
2016	**302**	504	6	**510**
2015	**167**	534	59	**593**
2014	**205**	501	98	**599**
2013	**214**	452	45	**497**
2012	**198**	495	54	**549**
2011	**261**	544	21	**564**
2010	**113**	227	6	**233**

H.2. WECL cases and Friendly settlements – State by State

STATE	"WECL" cases Article 28§1b (number of corresponding applications)		Friendly settlements (Article 39§4) (number of corresponding applications)		TOTAL	
	2017	**2018**	2017	**2018**	2017	**2018**
Albania		1 (1)	2 (2)		2	1
Andorra						
Armenia	5 (5)	6 (6)			5	6
Austria	14 (14)	3 (6)	2 (2)	2 (3)	16	5
Azerbaijan	18 (86)	3 (22)	4 (4)		22	3
Belgium			2 (2)	2 (2)	2	2
Bosnia and Herzegovina	5 (6)	6 (12)	5 (5)	5 (6)	10	11
Bulgaria	11 (32)	14 (22)	5 (5)	4 (4)	16	18
Croatia	3 (3)	9 (9)	5 (5)	3 (6)	8	11
Cyprus		1 (1)				1
Czech Republic	1 (1)	3 (13)		1 (1)	1	4

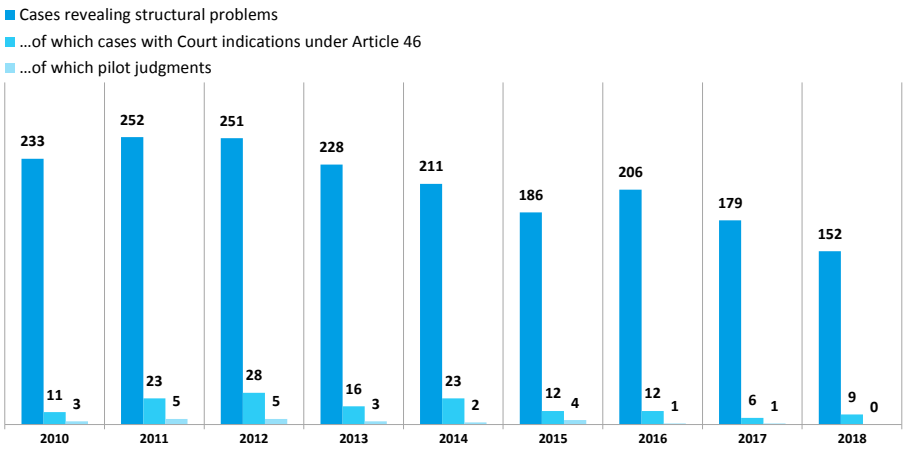
STATE	"WECL" cases Article 28§1b (number of corresponding applications)		Friendly settlements (Article 39§4) (number of corresponding applications)		TOTAL	
	2017	2018	2017	2018	2017	2018
Denmark						
Estonia			1 (1)		1	
Finland						
France	2 (3)	1 (1)	6 (6)	2 (2)	8	3
Georgia	2 (2)	3 (3)	1 (1)	1 (1)	3	4
Germany	1 (1)		1 (1)		2	
Greece	16 (22)	10 (12)	66 (115)	21 (27)	82	30
Hungary	9 (9)	28 (81)	42 (83)	67 (456)	51	95
Iceland						
Ireland		1 (1)				1
Italy	7 (94)	4 (15)	19 (36)	33 (243)	26	37
Latvia	4 (9)	1 (1)	1 (2)		5	1
Liechtenstein						
Lithuania	3 (9)	12 (19)	1 (4)	2 (21)	4	14
Luxembourg						
Malta		2 (2)	1 (1)		1	2
Republic of Moldova	2 (3)	16 (18)	1 (1)	11 (11)	3	27
Monaco						
Montenegro	8 (8)	7 (7)	6 (7)	1 (1)	14	8
Netherlands		1 (1)	2 (2)	2 (2)	2	3
North Macedonia	1 (2)	5 (5)	5 (5)	10 (10)	6	15
Norway						
Poland	4 (4)	9 (9)	19 (477)	27 (278)	23	34
Portugal	5 (5)		6 (6)	10 (13)	11	10
Romania	36 (174)	59 (496)	56 (221)	74 (691)	92	133
Russian Federation	206 (958)	164 (688)	61 (306)	38 (151)	267	202
San Marino						
Serbia	21 (32)	10 (30)	14 (32)	28 (33)	35	37
Slovak Republic	6 (9)	4 (11)	12 (18)	7 (15)	18	11
Slovenia	1 (1)		1 (1)		2	
Spain			1 (1)		1	
Sweden						
Switzerland	1 (1)				1	

STATE	"WECL" cases Article 28§1b (number of corresponding applications)		Friendly settlements (Article 39§4) (number of corresponding applications)		TOTAL	
	2017	**2018**	2017	**2018**	2017	**2018**
Turkey	56 (913)	72 (232)	41 (65)	28 (205)	97	98
Ukraine	58 (242)	68 (261)	15 (237)		73	68
United Kingdom	1 (1)		2 (6)	2 (2)	3	2
TOTAL	**507 (2649)**	**523 (1985)**[15]	**406 (1660)**	**381 (2184)**	913	**897**

15. For comparison, in 2011 there were 259 WECL cases corresponding to 371 applications.

Appendix 2 – New judgments with indications of relevance for the execution

Cases revealing structural problems: number of cases with special Court indications



A. Pilot judgments which became final in 2018

No pilot judgement became final in 2018.

B. Judgments with indications of relevance for the execution (under Article 46) which became final in 2018

Note: If the judgment has already been classified, the corresponding supervision procedure is indicated.

STATE	CASE	APPLICATION No.	JUDGMENT FINAL ON	NATURE OF INDICATIONS GIVEN BY THE COURT
Azerbaijan	*Aliyev*	68762/14 71200/14	20/12/2018	New problem: Detention of a human rights defender and search of his home and office with the intention to silence and punish him and imped his work (restriction of rights for unauthorised purposes)
France	*M.A.*	9373/15	01/05/2018	New problem: Hindrance of the exercise of the right of application in the context of expulsion measures due to the expedited removal to Algeria of a person convicted by French courts of terrorist offence before the Court's interim measure could be notified to the authorities.
Lithuania	*Abu Zubaydah*	46454/11	08/10/2018	New problem: Transfer by means of "extraordinary rendition" and detention of the applicants in secret CIA facilities in various countries, where they were subjected to the "enhanced interrogation techniques", including "water-boarding", confinement in a box, sleep and food deprivation, exposure to cold temperature, wall-standing and other stress positions. Mr Al Nashiri was also subjected to "unauthorised" interrogation methods, such as mock executions and hanging upside down.
Romania	*Al Nashiri*	33234/12	31/08/2018	See above: *Abu Zubaydah v. Lithuania*

STATE	CASE	APPLICATION No.	JUDGMENT FINAL ON	NATURE OF INDICATIONS GIVEN BY THE COURT
Russian Federation	*Berkovich and Others*	5871/07+	27/06/2018	Support for the execution of the cases *Bartik* and *Soltysyak:* Long-term absolute ban on private foreign travel for persons who had had access to "State secrets".
	Volokitin and Others	74087/10+	03/10/2018	New problem: Failure to implement an effective procedure to enable the redemption of State issued bonds despite the Russian Government's recognition of its succession in respect of the obligations of the former USSR under the 1982 loan and a series of Russian laws and regulations which provided for the conversion of Soviet securities into special Russian promissory notes.
	Navalnyy	29580/12+	15/11/2018	Support for the execution of the *Lashmankin and Others* group: Structural inadequacy of the regulatory framework, in particular the Public Events Act, failing to provide for effective legal safeguards against arbitrary interference with the right to freedom of assembly and pursuance of an ulterior purpose in restricting the applicant's rights.
Turkey	*Şahin Alpay*	16538/17	20/06/2018	New problem: Refusal to release journalists known as critics of the government, who had been arrested to be tried in an assize court under provisions of the Criminal Code on attempting to overthrow the constitutional authorities and committing offences on behalf of a terrorist organisation without being a member of it.
Ukraine	*Zelenchuk and Tsytsyura*	846/16+	22/08/2018	New problem: Indefinite blanket ban on alienation of agricultural land, except for inheritance, swap transactions and expropriation for public use, was introduced, pending the adoption of legislation necessary for the creation of a well-functioning land sales market.

Appendix 3 – Glossary

Action plan – document setting out the measures taken and/or envisaged by the respondent State to implement a judgment of the European Court of Human Rights, together with an indicative timetable.

Action report – report transmitted to the Committee of Ministers by the respondent State setting out all the measures taken to implement a judgment of the European Court and / or the reasons for which no additional measure is required.

Judgment with indications of relevance for the execution "Article 46" – judgment by which the Court seeks to provide assistance to the respondent State in identifying the sources of the violations established and the type of individual and/or general measures that might be adopted in response. Indications related to individual measures can also be given under the section Article 41.

Case – generic term referring to a judgment (or a decision) of the European Court.

Case awaiting classification – case for which the classification – under standard or enhanced supervision – is still to be decided by the Committee of Ministers.

Classification of a case – Committee of Ministers' decision determining the supervision procedure – standard or enhanced.

Closed case – case in which the Committee of Ministers adopted a final resolution stating that it has exercised its functions under Article 46 § 2 and 39 § 4 of the Convention, and thus closing its examination of the case.

Deadline for the payment of the just satisfaction – when the Court awards just satisfaction to the applicant, it indicates in general a deadline within which the respondent State must pay the amounts awarded; normally, the time-limit is three months from the date on which the judgment becomes final.

"DH" meeting – meetings of the Committee of Ministers specifically devoted to the supervision of the execution of judgments and decisions of the European Court. If necessary, the Committee may also proceed to a detailed examination of the status of execution of a case during a regular meeting.

Enhanced supervision – supervision procedure for cases requiring urgent individual measures, pilot judgments, judgments revealing important structural and / or complex problems as identified by the Court and / or by the Committee of Ministers, and interstate cases. This procedure is intended to allow the Committee of Ministers to closely follow progress of the execution of a case, and to facilitate exchanges with the national authorities supporting execution.

Final judgment – judgment which cannot be the subject of a request of referral referral to the Grand Chamber of the European Court. Final judgments have to be executed by the respondent State under the supervision of the Committee of Ministers. A Chamber judgment (panel of 7 judges) becomes final: immediately if the parties declare that they will not request the referral of the case to the Grand Chamber of the Court, or three months after its delivery to ensure that the applicant

or the respondent State have the possibility to request the referral, or when the Grand Chamber rejects the referral's request. When a judgment is delivered by a committee of three judges or by the Grand Chamber, it is immediately final.

Final resolution – Committee of Ministers' decision whereby it decides to close the supervision of the execution of a judgment, considering that the respondent State has adopted all measures required in response to the violations found by the Court.

Friendly settlement – agreement between the applicant and the respondent State aiming at putting an end to the application before the Court. The Court approves the settlement if it finds that respect of human rights does not justify maintaining the application. The ensuing decision is transmitted to the Committee of Ministers which will supervise the execution of the friendly settlement's terms as set out in the decision.

General measures – measures needed to address more or less important structural problems revealed by the Court's judgments to prevent similar violations to those found or put an end to continuing violations. The adoption of general measures can notably imply a change of legislation, of judicial practice or practical measures such as the refurbishing of a prison or staff reinforcement, etc. The obligation to ensure effective domestic remedies is an integral part of general measures (see notably Committee of Ministers Recommendation (2004)6). Cases revealing structural problems of major importance will be classified under the enhanced supervision procedure.

Group of cases – when several cases under the Committee of Ministers' supervision concern the same violation or are linked to the same structural or systemic problem in the respondent State, the Committee may decide to group the cases and deal with them jointly. The group usually bears the name of the first leading case transmitted to the Committee for supervision of its execution. If deemed appropriate, the grouping of cases may be modified by the Committee, notably to allow the closure of certain cases of the group dealing with a specific structural problem which has been resolved (partial closure).

Individual measures – measures that the respondent States' authorities must take to erase, as far as possible, the consequences of the violations for the applicants – *restitutio in integrum*. Individual measures include for example the reopening of unfair criminal proceeding or the destruction of information gathered in breach of the right to private life, etc.

Interim resolution – form of decision adopted by the Committee of Ministers aimed at overcoming more complex situations requiring special attention.

Isolated case – case where the violations found appear closely linked to specific circumstances, and does not require any general measures (for example, bad implementation of the domestic law by a tribunal thus violating the Convention). See also under *leading case*.

Just satisfaction – when the Court considers, under Article 41 of the Convention, that the domestic law of the respondent State does not allow complete reparation of the consequences of this violation of the Convention for the applicant, it can

award just satisfaction. Just satisfaction frequently takes the form of a sum of money covering material and/or moral damages, as well as costs and expenses incurred.

Leading case – case which has been identified as revealing new structural and / or systemic problems, either by the Court directly in its judgment, or by the Committee of Ministers in the course of its supervision of execution. Such a case requires the adoption of new general measures to prevent similar violations in the future. Leading cases also include certain possibly isolated cases: the isolated nature of a new case is frequently not evident from the outset and, until this nature has been confirmed, the case is treated as a leading case.

New cases – expression referring to a judgment of the Court that became final during the calendar year and was transmitted to the Committee of Ministers for supervision of its execution.

Partial closure – closure of certain cases in a group revealing structural problems to improve the visibility of the progress made, whether as a result of the adoption of adequate individual measures or the solution of one of the structural problems included in the group.

Pending case – case currently under the Committee of Ministers' supervision of its execution.

Pilot judgment – when the Court identifies a violation which originates in a structural and / or systemic problem which has given rise or may give rise to similar applications against the respondent State, the Court may decide to use the pilot judgment procedure. In a pilot judgment, the Court will identify the nature of the structural or systemic problem established, and provide guidance as to the remedial measures which the respondent State should take. In contrast to a judgment with mere indications of relevance for the execution under Article 46, the operative provisions of a pilot judgment can fix a deadline for the adoption of the remedial measures needed and indicate specific measures to be taken (frequently the setting up of effective domestic remedies). Under the principle of subsidiarity, the respondent State remains free to determine the appropriate means and measures to put an end to the violation found and prevent similar violations.

Reminder letter – letter sent by the Department for the Execution of Judgments to the authorities of the respondent State when no action plan/report has been submitted in the initial six-month deadline foreseen after the judgment of the Court became final.

Repetitive case – case relating to a structural and/or general problem already raised before the Committee in the context of one or several leading cases; repetitive cases are usually grouped together with the leading case.

Standard supervision procedure – supervision procedure applied to all cases except if, because of its specific nature, a case warrants consideration under the enhanced procedure. The standard procedure relies on the fundamental principle that it is for respondent States to ensure the effective execution of the Court's judgments and decisions. Thus, in the context of this procedure, the Committee of Ministers limits its intervention to ensuring that adequate action plans / reports

have been presented and verifies the adequacy of the measures announced an / or taken at the appropriate time. Developments in the execution of cases under standard procedure are closely followed by the Department for the Execution of Judgments, which presents information received to the Committee of Ministers and submits proposals for action if developments in the execution process require specific intervention by the Committee of Ministers.

Transfer from one supervision procedure to another – a case can be transferred by the Committee of Ministers from the standard supervision procedure to the enhanced supervision procedure (and *vice versa)*.

Unilateral declaration – declaration submitted by the respondent State to the Court acknowledging the violation of the Convention and undertaking to provide adequate redress, including to the applicant. The Committee of Ministers does not supervise the respect of undertakings formulated in a unilateral declaration. In case of a problem, the applicant may request that its application be restored to the Court's list.

"WECL" case – judgment on the merits rendered by a Committee of three judges, if the issues raised by the case are already the subject of "well-established case-law of the Court" (Article 28 § 1b).

Appendix 4 – Where to find further information on the execution of judgments?

HUDOC Exec

http://hudoc.exec.coe.int

A new search engine to follow the execution of judgments of the European Court of Human Rights

In close cooperation with the European Court of Human Rights, the Department for the Execution of Judgments launched, in 2017, its HUDOC-EXEC database, a search engine which aims at improving the visibility and transparency of the process of the execution of judgments of the European Court.

HUDOC-EXEC provides easy access through a single interface to documents relating to the execution process (for example description of pending cases and problems revealed, the status of execution, memoranda, action plans, action reports, other communications, Committee of Ministers' decisions, final resolutions). It allows searching by a number of criteria (State, supervision track, violations, themes etc.).

Country factsheets

A State-by-State overview of the execution of judgments of the Court

The Department for the Execution of judgments published early 2017 Country factsheets which present an overview of the main issues raised by judgments and decisions of the Court in cases transmitted for supervision of their execution by the Committee of Ministers.

These factsheets outline the main issues under supervision, the main reforms adopted and basic statistics. These sheets are updated after each HR meeting of the Committee of Ministers (four times a year).

https://go.coe.int/QQN1N

Website of the Department for the Execution of Judgments

http://www.coe.int/en/web/execution

The website of the Department is mainly case-oriented and presents, in addition to HUDOC-EXEC and fact sheets, also important reference documents and information on support activities. It presents notably compilations of decisions and interim and final resolutions, the annual reports, news on seminars, roundtables, workshops, meetings and other support activities. It is also the place where applicants can follow the payment of just satisfaction and make contact in the event of problems.

Website of the Committee of Ministers

http://www.coe.int/en/web/cm

The Committee of Ministers' website provides a search engine for documents and decisions linked to the supervision by the Committee of Ministers of the execution of the Court's judgments.

MEMBER STATES

Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Republic of Moldova, Monaco, Montenegro, Netherlands, North Macedonia, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Serbia, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom.

OBSERVER COUNTRIES

Canada, the Holy See, Japan, Mexico, the United States of America.

Appendix 5 – References

A. CMDH meetings in 2017 and 2018

Meeting No.	Meeting dates
1331	4-6 December 2018
1324	18-20 September 2018
1318	5-7 June 2018
1310	13-15 March 2018
1302	5-7 December 2017
1294	19-21 September 2017
1288	6-7 June 2017
1280	7-10 March 2017

B. General abbreviations

AR	Annual Report of the Committee of Ministers
Art.	Article
CDDH	Steering Committee on Human Rights
CEPEJ	European Commission for the Efficiency of Justice
CM	Committee of Ministers
CMDH	Human Rights meeting of the Committee of Ministers (quarterly)
CMP	Committee on Missing Persons in Cyprus
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
DEJ	Department for the Execution of Judgments of the European Court of Human Rights
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
European Court	European Court of Human Rights
HRTF	Human Rights Trust Fund
GM	General Measures
HR	"Human Rights" meeting of the Ministers' Deputies
IM	Individual Measures
IR	Interim resolution
NGO	Non-governmental organisation
NHRI	National Human Rights Institutions
ODIHR	Office for Democratic Institutions and Human Rights
OSCE	Organisation for Security and Cooperation in Europe
Prot.	Protocol
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees

The Committee of Ministers' annual report 2018 provides statistics relating to new cases brought for supervision of their execution, pending cases and closed cases as well as other information and observations on the supervision process. It also presents some of the main achievements noted in cases closed.

2018 saw anew a confirmation of the positive results of the Interlaken reform process engaged in 2010 to guarantee the long-term effectiveness of the Convention system. The total number of pending cases is thus the lowest since 2006.

The progress achieved reconfirms the enhanced dialogue engaged between all stakeholders and the commitment of member states to abide by the judgments of the European Court.

The positive results bode well for the capacity of the Convention system to consolidate and further develop the advances made, though important efforts continue to be required to meet the many new challenges that have arisen and care for what still needs to be done vis à vis numerous existing ones.

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The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, including all members of the European Union. The Committee of Ministers is the Council of Europe's decision-making body, composed by the foreign ministers of all 47 member states. It is a forum where national approaches to European problems and challenges are discussed, in order to find collective responses. The Committee of Ministers participates in the implementation of the European Convention on Human Rights through the supervision of the execution of judgments of the European Court of Human Rights.

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