



# SUPERVISION OF THE EXECUTION OF JUDGMENTS AND DECISIONS OF THE EUROPEAN COURT OF HUMAN RIGHTS 2020



COUNCIL OF EUROPE  
**COMMITTEE OF MINISTERS**

14th Annual Report  
of the Committee of Ministers

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OF MINISTERS  
COMITÉ  
DES MINISTRES

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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**2020**

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## I. Preface by the Chairs of the Human Rights meetings

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**T**he year 2020 was defined by the Covid-19 pandemic, which posed significant and unprecedented challenges. It was also the year of the 70th anniversary of the European Convention on Human Rights, which was a landmark moment.

These two key events evidently impacted on the Council of Europe during 2020. In response to the extraordinary context of the year, and in line with its priority of effectively responding to the sanitary crisis in full respect for human rights and the principles of democracy and the rule of law, many initiatives were taken under the auspices of the Greek Chairmanship to adapt to the new situation and ways of working. The Ministerial Session on 4 November 2020 was held for the first time entirely online. On that occasion, marking the 70th anniversary of the Convention, the Committee of Ministers adopted a Declaration as well as a decision underlining the extraordinary contribution of the Convention system to the protection and promotion of human rights and the rule of law in Europe, and to the implementation of the Universal Declaration on Human Rights, as well as its central role in maintaining and fostering democratic stability across the Continent. The Committee also appreciated that, despite the pandemic, the European Court of Human Rights has continued to work efficiently and the Committee has been able to maintain its supervision of the execution of its judgments.

The Committee also reviewed the decade of reform it had initiated with the Interlaken process concluding that whilst no comprehensive reform of the Convention machinery is now needed, further efforts should be made to ensure the continued effectiveness of the Convention system. In relation to the supervision of the execution of judgments at its Human Rights meetings, the Committee decided to further develop its working methods, including by appropriate recourse to political leverage to deal with cases of non-execution or persistent refusal to execute the Court's judgments.

Those conclusions corresponded with a central priority of the German Chairmanship, namely to highlight the special role of the European Court of Human Rights and to explore ways to further improve the Convention's unique human rights protection mechanism. As stated by the Chair of the Committee of Ministers, Minister Heiko Maas, on the occasion of the first part of the 2021 Ordinary Session of the Council of Europe Parliamentary Assembly (Strasbourg, 25-28 January 2021), all Council of Europe member States must abide by final judgments of the European Court of Human Rights. National rules provide no justification for only implementing these judgments in part or not implementing them at all and thereby breaching international law.



In the context of its priority to explore ways to improve human rights protection, the German Chairmanship held a series of international expert conferences and seminars on the implementation of the Court's judgments, its interaction with the member States' constitutional courts and the role of member States' authorised representatives at the Court, in particular with regard to the implementation of the Court's judgments and the more efficient handling of cases arising out of state conflicts.

One such event of note took place in November 2020 when the German Chairmanship organised an on-line workshop attended by more than 100 officials from Council of Europe member States on the execution of the ECHR judgments. The workshop aimed at initiating a dialogue and providing a forum for "brainstorming" between academia and practice on ways to promote an environment conducive to prompt, full and effective execution of ECHR judgments. The goal was to develop an additional analytical framework that would give impetus to the ongoing efforts within the Council of Europe to enhance execution of ECHR judgments. Discussions between experts and Council of Europe representatives explored whether and how the findings of compliance research may be used to enhance the execution of ECHR judgments in practice.

This and other conferences held under the German chairmanship provided important forums for discussion and reflection on the supervision process. They also gave visibility to the Committee's "extensive acquis" relating to Article 46 of the Convention, recognised in the landmark judgment of the Grand Chamber of the Court in 2020 under Article 46 § 4 Convention as forming part of the comprehensive framework for the execution of the Court's judgments. The Committee's decisions and the conferences and seminars held by the German Chairmanship all demonstrate that the concepts of shared responsibility and subsidiarity are essential to the supervision of the execution of judgments. It goes without saying that the sanitary situation has affected all actors in the Convention system. However, the Committee's increasing transparency and development of synergies with other actors did not stop. This year's annual report also shows an unprecedented number of submissions from NGOs/NHRIs and from a wide range of States.

As also recognised by the Grand Chamber in its Article 46 §4 judgment, a unique feature of the Committee's work in its supervision role is the fact it is a body of a political character acting within a legal framework. Important challenges in the supervision process and previously identified in the Committee's work remain, including problems of capacity of domestic actors, insufficient resources, insufficient political will or even clear disagreement with a Strasbourg ruling. The political aspect of its work was identified by the Committee at its Ministerial session in Athens as a means to be further developed in order to enhance the efficiency of the supervision process, including through the appropriate recourse to political leverage to deal with cases of non-execution of persistent refusal to execute the Court's judgments. The work to be done in following up on that decision will be vital to ensure the difficulties identified in the execution process are overcome.

The legacy impact of the priority of the 2019 Georgian presidency on the issue of human rights and environmental protection can also be seen both directly, with the Committee's examination in 2020 of some key cases concerning environmental

issues, and indirectly as the increased use of technology in the Committee's work has had a positive impact on its environmental footprint. However, although the Committee has risen to the challenge of the many difficulties posed by the circumstances of this year, we look forward to resuming some of our previous ways of working. Real-life contacts cannot be fully replaced, despite the innovative use of technology and the willingness of all involved to adapt.

The essential message from the three chairs of the Human Rights meetings in 2020 is that the challenging and difficult times experienced during this pandemic year have only reinforced the importance of the core values of human rights, democracy and the rule of law that are the essence of the Convention system and which are protected by the Committee in its work supervising the execution of judgments. As said by the Secretary General in her statement at the opening of the First Part-session of the Parliamentary Assembly in January this 2021, in choosing to ratify the European Convention on Human Rights and join our Organisation, member States voluntarily undertook to respect the judgments of the Court. This is not a kind request; it is a binding requirement.

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Hungary  
Mr Harry Alex RUSZ





Mr Christos GIAKOUMOPOULOS

## II. Overview of major developments by the Director General of the Directorate General of Human Rights and Rule of Law

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### Introductory remarks

2020 was a challenging year due to the unprecedented public health crisis caused by the Covid-19 pandemic. Notwithstanding, the Committee of Ministers, supported by the Department for the Execution of Judgments (DEJ), was able to hold its four annual Human Rights meetings, albeit with some modifications, including splitting the June meeting in two, with some decisions adopted by written procedure followed by an in-person meeting early in September, and holding the December meeting in a hybrid format using videoconferencing. Despite the restrictions, the Committee examined a total of 131 cases or groups of cases concerning 28 States, which is comparable to the number of cases usually examined in recent years.

Furthermore, some significant advances were made in 2020. The number of judgments pending before the Committee reached 5,233, among the lowest counts since 2006. It follows the closure in 2020 of 983 cases (including 187 “leading” cases<sup>1</sup> revealing notably structural or systemic problems), as a result of the adoption by respondent States of individual and a wide range of legislative and other general measures to execute the Court’s judgments. Among the most significant cases which the Committee was able to close in 2020 were three cases regarding abusive limitations of the right to liberty and security in Azerbaijan (individual measures in *Ilgar Mammadov* and *Rasul Jafarov*), and a case concerning voting rights in local elections in Bosnia and Herzegovina (*Baralija*) (discussed in more detail below).

Despite the difficulties linked to the pandemic, 2020 saw a significant reinforcement of the transparency and participatory character of the execution process, through the first ever submission to the Committee of Ministers of a Rule 9 communication by the Council of Europe Commissioner for Human Rights, swiftly followed by four more, and a record number of communications from civil society organisations and national human rights institutions.

However, this is not a time for complacency. Serious challenges continue to be raised in the context of the execution of many cases. Three of the categories posing particular challenges are set out below. Taken together, they represented approximately 53% of the cases which were examined by the Committee during its 2020 Human Rights meetings.

The first category encompasses the two inter-state cases and a larger number of individual applications linked to post-conflict situations or unresolved conflicts. Progress with the execution of such cases, in general takes time and requires a concerted engagement by the Committee and the Secretariat, as well as the States concerned. Experience suggests that alternative approaches to address such cases within the supervision process could be usefully explored. This all the more given the increasing number of inter-state applications reaching the Court.<sup>2</sup>

Another sensitive category of cases is the “Article 18” judgments, concerning abusive limitations of rights and freedoms, which are increasing and as of end 2020 concerned five member States. These cases require special attention since, not only are they typically linked to systemic problems at national level but because they also, by their nature, have a prominent political dimension which may create barriers to swift execution.

Finally, mention must be made of the many long-standing systemic and structural problems identified by the Court’s judgments. In particular, two types of cases (ineffective investigations into ill-treatment or death caused by security forces and

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1. It is the Committee’s practice to group cases against a State requiring similar execution measures, particularly general measures, and examine them jointly. The first case in the group is designated as the leading case as regards the supervision of the general measures and repetitive cases within the group can be closed when it is assessed that all possible individual measures needed to provide redress to the applicant have been taken.
  2. As of January 2021 there were eight inter-state applications pending before the Court, almost all of them related to situations of crisis or conflict, see: [https://echr.coe.int/Documents/Press\\_Q\\_A\\_Inter-State\\_cases\\_ENG.pdf](https://echr.coe.int/Documents/Press_Q_A_Inter-State_cases_ENG.pdf).

poor conditions of detention),, have been for many years amongst the most numerous and slow to resolve issues under enhanced supervision by the Committee of Ministers. Of equal importance are other cases linked to democracy and the rule of law, notably those concerning the right to free elections, freedom of expression and assembly and the independence and impartiality of the judicial system.

As reaffirmed by the Committee of Ministers at its 130<sup>th</sup> Session in Athens in November 2020, it is the respondent States' responsibility to resolve systemic and structural human rights problems identified by the Court in its judgments. In order to succeed, the domestic capacity for rapid, full and effective execution of the Court's judgments has to be further strengthened. Further high-level political commitment is also, however, necessary to resolve some of the more intractable problems.

### Inter-state and other cases related to post-conflict situations or unresolved conflicts<sup>3</sup>

Such cases have been on the Committee's agenda for many years and have proved challenging, whether they originate in individual or inter-state applications. The execution of these cases can be difficult due to their prominent political dimensions at national or international level and the fact that they are linked to traumatic armed violence requiring a long period of healing.

It was encouraging that some such cases advanced and could be closed (partly or wholly) in 2020. One example is the *Skendžić and Krznarić v. Croatia* group, concerning ineffective investigations into war crimes. The Committee noted, in particular, the development of the Constitutional Court's case-law allowing judicial review of the effectiveness of investigations into war crimes, which led to the European Court's 2019 decision in *Kušić and Others*, recognising that a constitutional complaint is an effective remedy for allegations concerning ineffective investigations. In addition, statistical data shows a further increase of the total numbers of opened war crime investigations and convictions. Particularly welcome was the adoption in 2019 of the Act on the Missing Persons in the Homeland War and other steps aiming at providing a higher degree of protection for family members of missing persons and establishing an effective legal framework.

Another case concerns conviction *in absentia* for war crimes in Croatia (*Sanader*). The violation in this case was an unfair trial since the domestic courts did not grant the applicant, who resided in Serbia, the reopening of criminal proceedings in which he was convicted and sentenced *in absentia* to a prison term for war crimes. Major general measures were adopted, that enabled the Committee to close this case, including the 2017 amendment of the Criminal Procedure Code. It gave all persons sentenced *in absentia* the possibility to request the reopening of the criminal proceedings if they provide a residential address for the delivery of the court documents.

A major and long-pending case related to a past armed conflict is the inter-state case of *Cyprus v. Turkey* concerning various violations of the Convention in relation to the

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3. The summaries contained in the present sections concerning major case developments in 2020 in no way bind the Committee of Ministers.

situation in the northern part of Cyprus since the 1974 military intervention by Turkey. In September 2020 the Committee decided to close the examination of the issue of the property rights of Greek Cypriots living in the northern part of Cyprus and their heirs. As reflected in the Committee's decisions, this part of the Court's judgment covers the property rights of Greek Cypriot property owners who left the northern part of Cyprus after May 1994, as well as inheritance rights of heirs of Greek Cypriot owners still living in the northern part of Cyprus in May 1994. The Committee continues regularly to supervise the measures taken in response to the other findings of the Court, in relation to Greek Cypriot missing persons and their families and the property rights of displaced Greek Cypriots, as well as the payment by Turkey of the just satisfaction awarded by the European Court in the 2014 judgment *Cyprus v. Turkey* (just satisfaction).

In early September 2020, the Committee examined the group of cases *Catan and Others v. Russia* and adopted its fourth interim resolution, highlighting its concern about the lack of progress. The cases concern the violation of the right to education of children or parents of children from Latin-script schools located in the Transnistrian region of the Republic of Moldova. In the interim resolution, the Committee noted with deep regret that, while nearly eight years had passed since the Court's first judgment in the group, the Russian authorities had failed to arrive at an acceptable response as to its execution and had not complied with the Committee's call to present an action plan setting out the concrete measures to execute the judgments in this group. The Russian authorities were urged to pay the just satisfaction and default interest owing to the applicants without further delay and to provide an action plan setting out their concrete proposals as regards the execution of the judgments in this group in time for the Committee's next examination.

The Committee examined the question of the payment of the just satisfaction awarded by the Court in the *Georgia v. Russia (I)* interstate case at each of its four human rights meetings in 2020. The case concerns the arrest, detention and expulsion from the Russian Federation of large numbers of Georgian nationals in 2006 and 2007. In its just satisfaction judgment of 31 January 2019, the Grand Chamber held that, within three months, the Russian Federation was to pay the Government of Georgia 10,000,000 euros in respect of non-pecuniary damage suffered by the group of at least 1,500 Georgian nationals, who were the individual victims of the violations. At its last examination of the year, in December 2020, the Committee adopted an interim resolution, expressing profound concern that the just satisfaction had not been paid, but noting with interest the consultations between the Secretariat and the Russian authorities, and urging the Russian authorities to finalise these consultations without further delay in order to either directly pay the just satisfaction, together with the default interest accrued, to the applicant Government or to commit to using the Council of Europe as an intermediary for that payment.

### **"Article 18" cases concerning abusive limitations of rights and freedoms**

The Convention allows for certain restrictions to the protected rights and freedoms. For example, it is permissible to deprive a person of liberty in the context of lawful criminal proceedings or to place limitations on a person's freedom of assembly

when these are prescribed by law and necessary in a democratic society. To protect against the abuse of power, Article 18 prohibits the misuse of these restrictions for other purposes.

Violations of Article 18 remain rare and are regarded as particularly serious. By the end of 2020, there were 12 such cases pending before the Committee, against Azerbaijan, Georgia, Russia, Turkey and Ukraine.<sup>4</sup> These cases concern primarily the arrest, detention and, in some cases, conviction of government critics, civil society activists, human-rights defenders and politicians, in many cases involving criminal prosecutions for charges unsupported by evidence and where the ulterior motive is to silence or punish the applicant and discourage other activists or critics.

In accordance with the Committee of Ministers' usual practice, the principle of *restitutio in integrum* requires in such cases that all the negative consequences of the abusive criminal proceedings be erased for the applicant.<sup>5</sup> Other required measures focus on the need to prevent a repetition of abuses of power, either for the applicant or for others. Where the violation reveals a misuse of the criminal justice system, reforms to reinforce the independence of the judiciary and to shield the prosecuting authorities from political influence may be necessary.

In 2020 encouraging progress was made in the cases concerning two applicants in the *Ilgar Mammadov* (now *Mammadli*) group of cases. Following the Court's judgment under Article 46 § 4 of the Convention in the *Ilgar Mammadov* case; and the on-going intensive examination of the group by the Committee thereafter, including the adoption of an interim resolution in March 2020, the Supreme Court of Azerbaijan, in a landmark judgment in April 2020, quashed the convictions of Ilgar Mammadov and Rasul Jafarov and awarded them compensation for non-pecuniary damage resulting from their unlawful arrest and imprisonment. As a result, in September 2020 the Committee was able to adopt a final resolution closing the cases of these two applicants. The examination by the Committee of the individual measures in respect of the other applicants, particularly the quashing of their convictions, continues. In tandem, the Committee has emphasised the urgency of meaningful and effective reforms aimed at ensuring the independence of the judiciary and the prosecuting authorities.

The applicant in the *Kavala v. Turkey* case was arrested in October 2017, and then placed in pre-trial detention, accused of attempting to overthrow the government within the context of investigations into the Gezi events of 2013 and to overthrow the constitutional order within the context of the attempted coup in July 2016. The Court found, *inter alia*, that this arrest and pre-trial detention took place in the absence of evidence to support a reasonable suspicion the applicant had committed an offence and also that it pursued an ulterior purpose, namely to silence him and dissuade other human rights defenders, in violation of Article 18 taken in conjunction with Article 5 § 1. Since the Court's judgment became final in 2020, the Committee examined this case at each of its Human Rights meetings. It adopted

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4. The group of six cases of *Mammadli v. Azerbaijan*, *Merabishvili v. Georgia*, *Navalnyy and Navalnyy (No.2) v. Russia*, *Kavala v. Turkey*, *Lutsenko and Tymoshenko v. Ukraine*.

5. This practice was confirmed by the Court's 2019 Grand Chamber judgment, *Ilgar Mammadov v. Azerbaijan* (Article 46 § 4), Appl. No. 15172/13, judgment of 29 May 2019.



an Interim Resolution at its December 2020 Human Rights meeting. The authorities were urged to take all steps at their disposal to ensure that the Constitutional Court complete its examination of the applicant's complaint without further delay and in a manner compatible with the spirit and conclusions of the Court's judgment. In the meantime, the Committee has strongly urged the authorities to ensure Mr Kavala's immediate release.

As regards *Lutsenko and Tymoshenko v. Ukraine*, in 2020 the Committee noted with satisfaction that both applicants had been released and fully rehabilitated and that all the negative consequences of the violations had been erased, thus considering that no further individual measures were necessary. It noted with satisfaction the major reform of the public prosecution service, finally abolishing its general supervisory function. However, it noted with regret that the Parliament retains its constitutional competence to declare that the Prosecutor General be dismissed, which may threaten the latter's external independence. The authorities were invited to further align the Law on the Public Prosecution Service with the constitutional amendments and to redouble their efforts on the implementation of the provisions of that law and the Criminal Procedure Code of Ukraine which provide safeguards for the autonomy of individual prosecutors.

The applicant in the case of *Merabishvili v. Georgia* was placed in pre-trial detention in the context of criminal proceedings for embezzlement and abuse of official authority. The European Court found, *inter alia*, that the predominant purpose of the pre-trial detention changed over time: while in the beginning it was for the legitimate purpose of the investigation of offences based on a reasonable suspicion, the predominant purpose later became to obtain information about issues of political interest. In 2020, the Committee noted that the authorities had not yet followed its repeated indications concerning the scope of the renewed investigation and expressed concern as to the level of diligence, thoroughness and speed with which it was being conducted. The authorities were urged to demonstrate their firm commitment to conduct a fully effective investigation with a view to establishing the identity and criminal liability of those responsible for all aspects of the Article 18 violation. The Committee also strongly encouraged them to continue reforms aimed at further enhancing the independence, effectiveness and accountability of the prosecution service, including considering whether further legislative changes are required.

Finally, in the *Navalnyy and Navalnyy (No. 2)* cases against Russia, the Court found two violations of Article 18. In the first judgment it found that the applicant's arrest and detention on two occasions in connection with his peaceful participation in public gatherings pursued an ulterior purpose, "namely to suppress that political pluralism which forms part of 'effective political democracy' governed by 'the rule of law'". In the second judgment, it found that imposing an order on the applicant for ten months' house arrest, in the context of a criminal investigation, almost immediately after the two arrests found to be in breach of Article 18 in the first *Navalnyy* judgment, had to be seen in the context of that sequence of events and pursued the ulterior purpose of suppressing political pluralism. During its examination in 2020 (in conjunction with the *Lashmankin* group of cases concerning freedom of assembly), the Committee regretted that, apart from the payment of just satisfaction in the first judgment, no information on other individual measures had been provided. It took

note with concern of the applicant's recent complaints of continuing interferences with his freedom of assembly and called on the authorities to take action as a matter of urgency with a view to ensuring that he could exercise his rights to freedom of peaceful assembly and freedom of expression without hindrance.

## Systemic/structural problems and advances

### Cases concerning ineffective investigations into ill-treatment or death caused by security forces and poor conditions of detention

As documented again in this annual report, there are a number of long-standing, mainly structural and systemic, issues which have been under the Committee's supervision for many years, such as ill-treatment or death caused by security forces and ineffective investigations, and non-Convention compliant conditions of detention. Thus in 2020, 15% of all leading cases in the enhanced supervision procedure concerned ill-treatment by state agents and/or failure to investigate such allegations, making it the highest category pending execution. Substandard conditions of detention represented the second highest percentage of enhanced supervision leading cases (10%).

Cases raising systemic and structural problems require further sustained and concerted efforts to be made primarily by the responding States, in line with the principle of subsidiarity, the Council of Europe always remaining at their disposal for any further support needed. Despite the advances made throughout recent years, there is still important work to be done.

#### Ineffective investigations into ill-treatment or death caused by security forces

Some case-based details are provided below starting with certain major cases concerning *ineffective investigations into ill-treatment or death caused by security forces* whose number was, once again, the highest among the themes under enhanced supervision in 2020.

In the relevant major group of cases concerning Armenia (*Virabyan* group) in 2020, the Committee encouraged the authorities to complete their plan to install audio and video surveillance in police premises as well as the elaboration of guidelines regarding the classification of acts as torture and other ill-treatment. The Committee reiterated its call to exclude the crime of torture from the statute of limitations and requested more information on the planned anonymous referral mechanism for complaints of ill-treatment.

In the *Velikova* group of cases concerning Bulgaria, the Committee adopted in 2020 an interim resolution, having noted, *inter alia*, that work to ensure the independence of investigations and preliminary inquiries is still at a preliminary stage. The authorities were urged to amend, without further delay, the criminal law in order it to provide expressly for the offence of torture accompanied by adequate, dissuasive penalties; to provide in law for the suspension of police officers officially accused in criminal proceedings of ill-treatment; to improve the promptness, quality and

confidentiality of medical examinations and recording of injuries of detainees; and to introduce an automatic notification to the Prosecutor's Office of complaints of ill-treatment received by the police.

As regards Georgia (*Tsintsabadze* group), in 2020 the Committee noted the findings contained in the report of the European Committee for the prevention of Torture (CPT) on its 2018 visit, indicating that hardly any allegations of ill-treatment by police officers had been reported, and welcomed the additional institutional and capacity building measures adopted in order to strengthen the newly established State Inspector's Service (SIS). However, the authorities were called on to provide clarifications as to the current crime classification practice and the opportunities available to victims to challenge classification decisions. In addition, the Committee called upon the authorities to provide their evaluation of compliance of the current legislative framework and domestic courts' case-law with the obligations stemming from Articles 2 and 3 of the Convention.

The Committee also examined the long-standing *Gubacsi* group of cases concerning Hungary. It invited the authorities to provide information on measures taken to enhance the operation and effectiveness of the National Preventive Mechanism function of the Commissioner for Fundamental Rights and the safeguards against ill-treatment. The Committee called on the authorities, at the highest possible level, to reiterate their zero-tolerance message towards ill-treatment in law enforcement and urged them to present a comprehensive plan for the provision of adequate and systematic training to all actors involved to prevent and combat ill-treatment by law enforcement officers.

With regard to the Russian group of cases *Khashiyev and Akayeva*, concerning actions of the security forces in Chechnya in 1996-2006, the Committee expressed profound regret that the measures taken so far had not led to the location of any further missing persons and the elucidation of their fate, thus not providing the answers for which victims' families have been waiting, some for a very long time. It stressed the urgent necessity to give renewed consideration to the creation of a single and high-level body mandated to search for persons reported as missing as a result of counter-terrorist operations in the North Caucasus.

Similar questions were examined and raised in the *Bati and Others* group of cases concerning Turkey. The Committee noted with concern that Rule 9 submissions and the recent CPT reports indicate an increase in the number of ill-treatment allegations against State agents and that general measures taken so far have been insufficient to ensure effective investigations, still allowing for a strong climate of impunity. Thus, it stressed once again the need to take further and result-oriented measures in pursuing allegations against State agents, including notably the extension or abolition of the statute of limitation for all serious crimes, causing intentional bodily harm, and excessive use of force, and giving priority in particular to older cases pending against State agents to avoid prescription.

With regard to Ukraine (*Kaverzin* group of cases) the Committee highlighted, in 2020, that the State Bureau of Investigations (SBI) acts now as an independent institution with competence to investigate torture and ill-treatment allegations concerning law enforcement officers. It also noted the high-level coordination meeting organised in

June 2020 under the auspices of the Prosecutor General's Office giving a "zero tolerance message" against torture. Notwithstanding, the authorities were encouraged to prioritise reflection on the necessary amendments to the legal framework against torture and ill-treatment and compensation to victims and to adopt, without delay, the most appropriate and Convention-compliant amendments.

Lastly, another long-pending group of cases is the *McKerr v. United Kingdom*, concerning deaths of the applicants' next-of-kin in Northern Ireland in the 1980s and 1990s. In an interim resolution adopted in December 2020, the Committee noted, *inter alia*, the authorities' continued commitment to reforming the current approach to addressing the legacy of Northern Ireland's past and the indication that they intend to consult with all key stakeholders before progress can be made. However, it expressed profound concern that the authorities had not provided any details in response to the Committee's request for information on the approach to legacy investigations set out in a written ministerial statement of March 2020. The authorities were called on to follow up on their previous commitments to publish and introduce legislation to implement the Stormont House Agreement to address these legacy issues.

### Poor conditions of detention and medical care (including the need for effective remedies)

In 2020, cases concerning *poor conditions of detention and medical care (including the need for effective remedies)* also followed the long-standing pattern of scoring very highly among the numbers of cases under enhanced supervision by the Committee of Ministers.

In the *Nisiotis* group of cases concerning Greece, the Committee, while noting the criminal law amendments adopted in 2019, aiming at enforcing a more moderate criminal policy and resolving the structural problem of prison overcrowding, stressed that their medium and long-term effects still remained to be seen in practice. It underlined that further measures, underpinned by a strong and enduring commitment at high political level, are required to bring about a swift, comprehensive and sustainable resolution of the problem of overcrowding and poor conditions of detention.

As regards Hungary (*Varga and Others* and *István Gábor Kovács* group of cases), the Committee noted with interest the positive impact of the substantial measures already taken to resolve the structural problem of prison overcrowding and the progress achieved so far. However, concern was expressed about the continued suspension of payments of compensation awarded under the existing compensatory scheme and the authorities were urged to ensure that a potentially revised remedy be Convention-compliant.

Detention conditions in Moldova were examined in the context of the *I.D.* group of cases. The Committee invited the authorities to complete the revision of the system of reduction of sentences as a compensatory remedy without delay, while, pending that revision process, the authorities were urged to take all necessary measures to avoid an influx of new manifestly well-founded applications to the European Court. It was also stressed, in this context, that the amounts of monetary compensation

awarded at domestic level must not be unreasonably low in comparison with the awards made by the European Court.

In *Rezmiveş and Others* and *Bragadireanu* group concerning Romania, the Committee underlined that, despite the significant progress achieved in reducing overcrowding in detention facilities, further measures underpinned by a strong and enduring commitment at a high political level are required to bring about a sustainable solution. The Committee welcomed the revised action plan adopted by the government to address the substantive problems revealed by these judgments.

As regards another Romanian group of cases (*Parascineti*), concerning involuntary placement in a psychiatric hospital unit, the Committee noted with satisfaction the progress in the preparation of a comprehensive action plan to resolve the long-standing problems revealed by these judgments. However, it underlined, in view of the amount of time that has passed since these judgments became final, the crucial importance of rapidly advancing the execution process, and to complete and submit the action plan to the Committee as expeditiously as possible.

Lastly, the structural problems concerning detention conditions in Ukraine led the Court to render a pilot judgment in 2020 (*Sukachov*). When examining this case in 2020, along with the *Nevmerzhitsky* group, the Committee reiterated that a lasting solution to resolve the malfunctioning of the Ukrainian prison system as regards overcrowding, poor material conditions of detention and transportation, and inadequate medical care in pre-trial detention facilities and prisons is still awaited. The authorities were urged to further promote alternative sanctions and minimise the use of pre-trial detention, and to urgently establish adequate preventive and compensatory remedies.

The Council of Europe, including DEJ, continued its close co-operation and dialogue with the national authorities in order to enhance the execution process concerning the long-standing problems of ineffective investigations into ill-treatment or death caused by security forces and poor prison conditions. It is noted that one of the five first thematic factsheets issued in 2020 by DEJ concerned effective investigations into ill-treatment or death by security forces. The factsheet (translated into five non-official languages) set out a number of examples of measures adopted and reported by States, in the context of the execution of the European Court's judgments, in order to safeguard and reinforce the effectiveness of investigations, focusing on: independence; adequacy; promptness; investigating special motives of crime; independent oversight; and reparation for victims. As regards prisons, it is worth noting that penitentiary reforms in various member States are supported by a number of Council of Europe projects.<sup>6</sup> It is encouraging that, in 2020, all respondent States concerned showed their willingness to reinforce their dialogue and co-operation with the Council of Europe, including through Action Plans,<sup>7</sup> in order to overcome the existing systemic shortcomings in these domains.

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6. <https://www.coe.int/en/web/criminal-law-coop/ongoing-projects>.

7. See also annual report's section on Outreach Activities.

## Cases linked to democracy and the rule of law

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### Right to free elections

A major and high-profile group of cases concerning democracy and the right to free elections is the group of cases *Sejdić and Finci v. Bosnia and Herzegovina*. It concerns discrimination against the applicants on account of their ineligibility to stand for election to the Presidency of Bosnia and Herzegovina due to their lack of affiliation with a constituent people (i.e. Bosniaks, Croats or Serbs) or due to their failure to meet a combination of the requirements of ethnic origin and place of residence. In 2020, the Committee of Ministers reiterated their concern that the authorities and political leaders of Bosnia and Herzegovina have not yet achieved a consensus on the content of the required amendments to be introduced in the Constitution of Bosnia and Herzegovina. The Committee noted with interest the 2020 conclusion of the Presidency of Bosnia and Herzegovina setting up a high level *ad hoc* political task force and tasking the Council of Ministers to prepare an action plan, *inter alia*, for the execution process. Lastly, the Committee highlighted the importance of seizing the momentum to ensure that the necessary steps be taken to rapidly adopt the necessary amendments before the end of 2021.

In 2020, the Committee also continued to supervise the execution by Lithuania of the case of *Paksas* concerning the applicant's ban from standing for parliamentary elections since 2004. The Committee noted with deep regret that the authorities were unable to observe their timeline for the completion of the legislative process regarding Draft Law No. XIII P-3867 in time for the parliamentary elections of 11 October 2020 and that, consequently, the applicant was unable to present himself in these elections, the third elections since the judgment became final in 2011. The authorities were invited to present, by the end of December 2020, their new timetable for the completion of the legislative process.

### Freedom of expression and of assembly

A number of cases examined by the Committee in 2020 concern freedom of expression and freedom of assembly, which are fundamental pillars of all democratic societies. For example, in *Khadija Ismayilova v. Azerbaijan*, concerning violations of the applicant journalist's freedom of expression and private life, the Committee invited the authorities to provide information on the developments in respect of the investigation into the criminal offences committed against the applicant. In addition, the Committee invited the authorities to provide information on the measures envisaged in response to the Court's findings in this case with a view to protecting the private and family life of journalists and the exercise of their freedom of expression.

Freedom of expression was also examined by the Committee in 2020, in the group of cases *Öner and Türk v. Turkey*, concerning unjustified and disproportionate interference with the applicants' freedom of expression on account of criminal proceedings initiated under the Criminal Code and Anti-Terrorism Law. The Committee welcomed, *inter alia*, the continuing good practice of the higher courts, in particular the Constitutional Court, in applying the criminal law in accordance with Convention principles. However, noting that it appeared that prosecutors and the lower courts

continue to apply the criminal law without ensuring respect for freedom of expression, the Committee requested the authorities to provide detailed statistical information showing the total number of prosecutions and convictions for the offences at issue in this group of cases and information on the number of journalists prosecuted, convicted and held in pre-trial and post-conviction detention. Also, noting that further measures are envisaged within the context of the Human Rights Action Plan the Committee invited them to consider further legislative amendments and to revise Article 301 of the Criminal Code without further delay.

Issues concerning freedom of assembly in Russia were examined by the Committee in 2020 in the context of the *Lashmankin and Others* group. The Committee noted that, despite certain positive steps taken in view of the pattern of violations identified by the Court, further legislative and/or other measures are necessary to secure the right to freedom of peaceful assembly and to bring an end to the pattern of violations of Article 11. It requested, *inter alia*, that the authorities introduce as a matter of priority further changes to the legislation, particularly the Public Events Act, and highlighted, *inter alia*, that local authorities' discretion on planning assemblies should be narrowed, by obliging the authorities to thoroughly assess the proportionality of their decisions.

### Independence and impartiality of the judicial system

In 2020, the Committee continued the examination of cases concerning the independence and impartiality of the judicial system which are fundamental for democracy, the rule of law and human rights protection.

In *S.Z./Kolevi v. Bulgaria*, the Committee examined issues concerning lack of guarantees for the independence of criminal investigations concerning the Chief Prosecutor and other high-ranking officials close to him. The Committee noted, as concerns the investigations into a Chief Prosecutor and his or her deputies, that the arrangements on appointment, accountability, career, supervision and subordination of the prosecutors and investigating magistrates in charge of such investigations, do not ensure genuine independence. The authorities were notably urged to ensure that the prosecutorial members of the Supreme Judicial Council and the Chief Prosecutor do not play a decisive role in the appointment, accountability or the career of any prosecutor or investigator responsible for investigating a Chief Prosecutor or high-ranking officials.

In 2020, the Committee also continued the examination of *Baka v. Hungary*, which concerns the undue and premature termination of the applicant's mandate as President of the former Hungarian Supreme Court through *ad hominem* legislative measures. It noted with concern the continuing absence of safeguards in connection with *ad hominem* constitutional-level measures terminating a judicial mandate, and Parliament's competence, established in 2012 following the facts of the *Baka* case, to impeach the President of the Kúria without judicial review. The authorities were urged to submit information on further measures adopted or planned with a view to guaranteeing that judicial mandates not be terminated by *ad hominem* constitutional-level measures devoid of effective and adequate safeguards against abuse.

In *Kudeshkina v. Russia*, concerning a violation of the applicant's freedom of expression due to disciplinary proceedings leading to her dismissal from judicial office, the Committee adopted an interim resolution in 2020. The Committee recalled

that, notwithstanding its previous positive assessment of the full range of general measures taken, providing the applicant with appropriate redress is still required to remove the chilling effect on judges' freedom of expression created by the violation found in this case. The authorities were exhorted to do their utmost to secure appropriate redress for the applicant as soon as possible to erase the consequences of the violation of her right to freedom of expression as established by the Court and to report to the Committee by 31 March 2021.

In the *Oleksandr Volkov v. Ukraine* group of cases, the Committee examined issues related to the independence and impartiality of the judiciary and the reform of the system of judicial discipline and careers. As regards individual measures, it urged the authorities to fully restore the applicants' judicial status that existed before the violations occurred, whilst also taking into account the principles of legal certainty. It also urged the authorities to elaborate and adopt a legislative framework which would fully take into account the relevant Council of Europe standards. The Committee called on the authorities to ensure that any criminal investigation against a judge be compliant with the Council of Europe standards and recommendations, and that the necessary procedural safeguards and review of investigative practices be in place to effectively protect judges against undue influence.

In this context, one of the first thematic factsheets issued in 2020 by DEJ focused on the independence and impartiality of the judicial system, in which it recalled that under the Court's case-law the obligation of States to ensure a trial by an "independent and impartial tribunal" is not limited to the judiciary. It also implies obligations on the executive, the legislature and any other State authority, regardless of its level, to respect and abide by the judgments and decisions of the courts. In order for these principles to exist in practice and thrive, they must be effectively incorporated into everyday administrative attitudes and practices.

DGI, including DEJ, in 2020 placed particular emphasis on the performance of the judicial systems and reinforced the relevant dialogue and cooperation with national authorities. For example, in January 2020, representatives of DEJ carried out a mission to Turkey to discuss inadequate reasoning in domestic court judgments, a short-coming increasingly underlined by the European Court in recent years. High-level meetings were held with the Constitutional Court, Court of Cassation, and Council of State; and also with the Council of Judges and Prosecutors, the Justice Academy, Supreme Council of Education (YÖK), Union of the Turkish Bar Associations, and the Ministry of Justice. As regards Ukraine, representatives of DEJ held a video conference with the President and Vice-President of the Constitutional Court of Ukraine. Discussions focused on the state of play and developments concerning the execution by Ukraine of European Court judgments related to the Constitutional Court. Lastly, DEJ took part in a high-level conference, organised by the Council of Europe in the context of its activities of cooperation with Ukraine, on "Ensuring the uniformity of judicial practice: Legal views of the Supreme Court and standards of the Council of Europe". Issues discussed included the case-law of the European Court of Human Rights as guiding principles for the establishment of consistent and coherent case-law by national courts.<sup>8</sup>

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8. See also annual report's section on Outreach Activities.



## Major advances in other cases examined by the Committee of Ministers

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A welcome development during 2020 concerned voting rights in local elections in Bosnia and Herzegovina (the *Baralija* case). Since 2008, it had been impossible to vote and stand in local elections in Mostar due to the State's failure to adopt the measures required for the holding of democratic elections following a decision of the Constitutional Court declaring certain sections of the Election Act 2001 and the Statute of the City of Mostar unconstitutional and ordering their amendment. In July 2020, the Election Act was amended to enable local elections in Mostar, which finally took place in December 2020. This was indeed a ground-breaking event, welcomed by the Council of Europe and all other major international organisations, contributing to the embeddedness of the Convention standards and the Court's case-law in Bosnia and Herzegovina and the latter's path towards more stability through stronger democracy.

Also noteworthy is the execution of a pilot judgment affecting thousands of persons in the Western Balkans, *Ališić and Others against Serbia and Slovenia*. It concerned the applicants' inability to recover "old" foreign currency savings deposited in banks with head offices in Slovenia or Serbia before the dissolution of the Socialist Federal Republic of Yugoslavia. In 2018, the case was closed with regard to Slovenia, and in 2020, with regard to Serbia. In 2020, the verification scheme was near completion and 94% of all claims for repayment lodged by depositors had been decided by the Public Debt Administration, which had ordered repayment of approximately 75% of the total amount claimed by depositors.

In 2020, the Committee also examined cases with complex, long-standing problems which advanced through the adoption by respondent States of measures constituting important steps forward. One such example is the case concerning Serbia's failure to provide credible information as to the fate of babies reported as missing from maternity wards, mainly in the period from the 1970s to the 1990s (*Zorica Jovanović*). In February 2020, Parliament adopted the law setting up an independent investigation mechanism to establish the fate of "missing babies". The Committee welcomed the efforts on the part of all the authorities concerned to engage intensively with the various parental organisations to find ways to address their different concerns, including consultations with the parents organised by the Prime Minister.

Advances were also made in a case concerning discrimination in the enjoyment of Roma children's access to education in the Czech Republic (*D.H. and Others*): complete closure, as from September 2020, of the reduced educational programme for children with "mild mental disabilities"; the significant drop in 2019 of the proportion of Roma primary school children educated under either individual plans or the former reduced educational programme; the fact that, of all the primary school children assessed as needing individual educational plans in 2019, only 4% were Roma; the creation of an Expert Forum in order for the authorities to analyse all the factors which are still impeding full educational equality.

Environmental protection was one of the major 2020 themes which were debated in the Council of Europe, including in the context of the execution process. Thus,

particularly welcome in 2020 was the adoption of comprehensive measures by Georgia to enhance environmental protection as part of the right to respect for one's home and private life (*Jugheli*). The authorities implemented a series of reforms, notably through the amended Law on Environmental Protection which provided that the issuance of environmental authorisations of public and private activities should be subject to a prior compulsory Environmental Impact Assessment (EIA) procedure. The new EIA system requires any private and public company to conduct an EIA for a planned activity. One of the main innovations of the current law concerns public involvement in the process of rendering decisions, access to relevant information and holding of public reviews at all stages.

Although cases of torture and other forms of ill-treatment by law enforcement agents, and ineffective investigations into such acts, continue to constitute one of the major structural issues dealt with by the Court and the Committee of Ministers, a number of positive developments in member States allowed the Committee to close wholly or partly some of these cases, as was the Italian cases *Alberti* and *Pennino*. Following the ground-breaking 2017 introduction in the Criminal Code of torture as a self-standing offence, further legislative changes ensured that, as from 2020, prescription is suspended after the first-instance judgment for the remaining duration of the proceedings, while sentences imposed on public officials for torture may not be suspended.

Last but not least, a number of group of cases whose supervision ended, wholly or partly, in 2020 concern access to a court and the efficiency of justice at national level, a cross-cutting and long-standing issue of crucial importance for the rule of law and human rights protection in Europe. Indicatively, the *Gjyli* group of cases against Albania may be cited, concerning notably the failure of the public administration or other legal persons under the responsibility of the Albanian State to abide by final court decisions. A number of legislative reforms undertaken have introduced substantial guarantees to the rights and status of civil servants, and administrative courts have been established to adjudicate on disputes arising from administrative decisions. Legislation has also introduced remedies pertaining to the enforcement of final administrative court orders and decisions including an acceleratory and compensatory remedy in cases of delayed enforcement.

Problems of excessively lengthy civil proceedings were also tackled in the Czech Republic (*Žirovnický*) through comprehensive changes to the Supreme Court's case-law which enabled courts to award non-pecuniary damages due to protracted compensation proceedings, while ongoing reforms to the civil procedure concern its recodification, the possibility of collective action, the digitalisation of the justice system and increase in courts' personnel.

Advances made in the Russian judicial system allowed also the Committee to close a group of cases (*Mokrushina*) concerning the authorities' failure to properly notify to parties scheduled court hearings. Measures adopted in order to implement these judgments included the introduction of IT tools in the judicial system. The adoption of similar measures allowed the Committee to also close another group of cases (*Ryakib Biryukov*) concerning lack of public access to the full text of judicial decisions. Following legislation adopted in 2010 and the development of IT tools,

Russian courts started publishing the full texts of their judgments on their websites, while copies of them became available from court registries upon request.

Lastly, issues of court impartiality were addressed in Moldova, in the case *Tocono and Profesorii Prometești*. Under the amended Code of Civil Procedure, the judge hearing a case shall be obliged to withdraw from it should he or she have personal, direct or indirect, interest in its outcome, or if there exist other circumstances that call into question their impartiality. Also, the parties to a trial or the court itself may also request the removal of a judge for impartiality-related reasons. Noteworthy, in this context, are measures taken in order to enhance law professionals' training in Convention standards and the Court's case-law. Thus, in partnership with the Council of Europe, the National Institute of Justice has developed a distance-learning course for judges, prosecutors and lawyers entitled "*Introduction to the European Convention on Human Rights and the European Court of Human Rights*", which addresses, *inter alia*, the standards under Article 6 of the Convention.

## Towards further enhancement of the execution process

### The need to enhance domestic capacity for rapid execution notably of the judgments linked to systemic and structural problems

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The Committee of Ministers [Recommendation \(2008\) 2](#) on efficient domestic capacity for rapid execution of judgments of the European Court of Human Rights has underlined the need to reinforce domestic capacity to execute the Court's judgments, noting, *inter alia*, the importance of early information and effective co-ordination of all state actors involved in the execution process. This is particularly necessary in cases revealing long-standing systemic and structural problems.

The above Recommendation encourages member States to designate a co-ordinator – individual or body – of execution of judgments at the national level, with reference contacts in the relevant national authorities involved in the execution process. This co-ordinator should have the necessary powers and authority to: acquire relevant information; liaise with persons or bodies responsible at the national level for deciding on the measures necessary to execute the judgment; and, if necessary, be able to take or initiate relevant measures to accelerate the execution process. In the great majority of member States, the Government Agent is designated as co-ordinator for the execution of the Court's judgments.

Despite the progress achieved in recent years in the domain of effective domestic capacity for rapid execution of the Court's judgments, two major, remaining challenges have been identified in practice:<sup>9</sup> the status and resources of the national co-ordinator; and the co-ordinator's capacity in identifying execution measures and promptly drawing up action plans and reports, in synergy with competent national

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9. See also the CDDH [Guide to good practice on the implementation of Recommendation \(2008\)2 of the Committee of Ministers on efficient domestic capacity for rapid execution of judgments of the European Court of Human Rights](#), 2017.

authorities, in order to address notably long-standing systemic and structural problems highlighted in the Court's judgments.<sup>10</sup>

By its decisions adopted in Athens at the 130<sup>th</sup> Session in November 2020, the Committee of Ministers urged all member States to ensure that Recommendation CM/Rec(2008)2 be given full effect. The renewed support and emphasis placed by the Committee of Ministers on the need for all member States to have the capacity for rapid and efficient execution of the Court's judgments needs to be closely followed up. Indeed, the execution of the Court's judgments does not happen in Strasbourg but in and by the member States concerned.

In this context, the new series of thematic factsheets<sup>11</sup> published on the website of DEJ are resource tools that may be usefully drawn on by national authorities in the context of the execution process. The thematic factsheets aim to present an overview of selected legislative and case-law developments in member States, following judgments and decisions of the European Court whose execution has been supervised by the Committee of Ministers. As the execution process in pending cases evidences important progress, some factsheets may also include relevant pending cases. In 2020, the first five thematic factsheets covered the following themes: constitutional matters; effective investigations into death or ill-treatment caused by security forces; freedom of religion; environment; and independence and impartiality of the judicial system.

## Initiation of Rule 9 communications by the Council of Europe Commissioner for Human Rights

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The Council of Europe Commissioner for Human Rights, as an independent human rights monitoring institution, can provide valuable assistance to national authorities in their execution-related efforts, and to the Committee itself. In 2020, the Commissioner submitted her first five Rule 9 communications to the Committee of Ministers,<sup>12</sup> a possibility which was foreseen by the 2017 Rules of the Committee concerning the supervision of execution of the Court's judgments.

These communications are valuable given that they are based on the Commissioner's regular monitoring of human rights developments in member States and contain useful guidance and recommendations concerning the execution by respondent States of the Court's judgments on issues touching upon notably long-standing, structural and systemic problems.

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10. In order to submit by the end of 2021 its proposals to the Committee of Ministers, the Steering Committee for Human Rights (CDDH) set up in November 2019 the Drafting Group on enhancing the national implementation of the system of the European Convention on Human Rights (DH-SYSC-V).

11. <https://www.coe.int/en/web/execution/thematic-factsheets>.

12. The Commissioner's communications are available at: <https://www.coe.int/en/web/commissioner/rule-9>.

## Enhanced interaction with NHRIs, NGOs and law professionals

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The persistence of a number of systemic and structural problems which have been highlighted in the Court's judgments and before the Committee of Ministers has also led to the reinforcement of the dialogue and cooperation with national stakeholders, such as NHRIs and civil society organisations, whose importance and valuable contribution to the Convention system have been continuously highlighted in this past years' High-Level Declarations and the Committee of Ministers' Sessions. In 2020, there were a record number of communications received by the Committee from civil society organisations and national human rights institutions (176 concerning 28 States, compared to 133 in 2019 concerning 24 States).

Also, in September and October 2020, DEJ co-organised for the first time, with the European Network of National Human Rights Institutions (ENNHRI) a series of four webinars on the effective implementation of judgments of the European Court of Human Rights. The webinars were attended by approximately 80 representatives of more than 15 European NHRIs and served as a forum for informing and exchanging on the execution process, on advocacy strategies and on enhancing NHRIs' capacity of drafting and submitting Rule 9 communications to the Committee of Ministers.

It is also noteworthy that in 2020, the HELP (Human Rights Education for Law Professionals) Programme, in close cooperation with DEJ, developed and issued a special training course on the execution of judgments of the European Court of Human Rights, in which 5,000 law professionals from various member States were enrolled. In a number of decisions adopted by the Committee of Ministers, respondent States were invited to take advantage of the different cooperation programmes and projects offered by the Council of Europe including HELP.<sup>13</sup>

### Concluding remarks

Despite the adverse effects of the Covid-19 pandemic in 2020, member States and the Council of Europe adapted their working methods and continued their constructive dialogue and cooperation. Particularly encouraging were the significant number of cases closed in 2020 following adoption of individual and general measures by respondent States, as well as the enhancement of the participatory character of the execution process, notably through the first five Rule 9 communications by the Council of Europe Commissioner for Human Rights and the record number of communications submitted by civil society organisations and NHRIs. These developments certainly reinforced the effectiveness of the Committee of Ministers' supervision and transparency of the execution process.

The major advances and challenges in the execution process documented are in fact intertwined. Member States and the Council of Europe may usefully draw upon the lessons learnt from these advances and move towards resolving the remaining systemic and structural problems. Particular attention is required to be paid to the issues that rank highly in enhanced supervision for many years, such as those concerning ill-treatment or death by security forces and poor conditions of detention.

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13. See also annual report's section on Outreach Activities.

In addition, the rise of inter-state judgments, as well as of “Article 18” judgments concerning abusive limitations of rights and freedoms and fundamental challenges to the rule of law in certain member States, shows that more sustained and concerted efforts are necessary.

2020 provided the occasion to celebrate the 70<sup>th</sup> anniversary of the ECHR and take stock of the extraordinary contribution of the Convention system to the democracy, rule of law and human rights protection in all member States. This anniversary provided the occasion to recall that, under the principle of subsidiarity, State parties to the Convention have to comply with their obligations to secure to everyone in their jurisdictions the rights and freedoms defined in the Convention and, at the same time, abide promptly, fully and effectively by the Court’s judgments. The Convention system is indeed of a circular nature and founded upon the maxim that human rights protection begins and ends at home.

The coming years will be crucial for ensuring the Convention’s and the Court’s relevance and importance for democracy, human rights and the rule of law in Europe, in a global socio-political context characterised by uncertainties and challenges that have the potential of fragilizing human rights and the rule of law. One of these major challenges will remain the Convention’s and the Court’s authority and effectiveness at national level. These are dependent on the acceptance and embeddedness of the Court’s judgments in the decisions and action of all national actors, including governments, parliaments, courts, NHRIs, civil society organisations and all citizens in member States.

The implementation of the Convention system at national level goes hand in hand with the further reinforcement of the member States’ capacity for rapid and effective execution of the Court’s judgments. Member States need to invest more in order to have the ECHR standards firmly embedded at national level. This is particularly important for the long-standing, systemic and structural problems, including those highlighted in the present overview. It goes without saying that these efforts by member States will need to be accompanied by a maximization of the potential of the Council of Europe to support the former in the execution process and in the implementation of the Convention at national level, notably through co-operation projects and synergies with all stakeholders. DGI stands ready and looks forward to contributing to these joint efforts.



### III. Outreach activities (cooperation activities, communication and information)

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**T**he importance of national authorities' access to Council of Europe expert advice and cooperation activities and programmes was underlined by the Committee of Ministers' decisions adopted at its 130th Session in Athens in November 2020. The Committee emphasised the importance of maximising the potential of the Council of Europe to support States Parties in the execution process and in the implementation of the Convention at national level. The coordination of this support with the requirements of the execution of the Court's judgments has also on numerous occasions proven crucial in bringing about the necessary reforms. Cooperation activities and programmes only receive marginal funding from the Organisation's ordinary budget and therefore are primarily conducted with support from the Human rights Trust Fund (HRTF), voluntary contributions or joint programmes and activities, notably with the European Union.

The Department for the Execution of Judgments (DEJ) normally carries out approximately 40 annual missions to member States and participates every year in numerous activities organised in Strasbourg or in member States, in some cases with involvement of other international organisations and national authorities. In 2020 many of these activities which were envisaged had to be cancelled due to the Covid-19 pandemic. Nonetheless, to the extent possible, the DEJ adjusted its working methods so that as many as possible of these types of contacts could be carried on remotely, using video-conferencing tools. In addition, the Council of Europe sustained its efforts in providing support, through co-operation projects, to member States in implementing the European Court's judgments.

In 2020 DEJ also reinforced significantly its external communication and information, notably through the publication of a new series of thematic factsheets, the further significant development of its website and use of social media.



## A. Activities of the Department for the Execution of Judgments

In 2020 DEJ published a new series of [thematic factsheets](#) which are resource tools that may be usefully drawn on by national authorities and other stakeholders. The thematic factsheets aim to present an overview of selected legislative and case-law developments in member States, following judgments and decisions of the European Court whose execution has been supervised by the Committee of Ministers. As the execution process in pending cases may evidence important progress, some factsheets may also include relevant pending cases. In 2020 the first five thematic factsheets covered the following themes: Constitutional matters (also translated in two non-official languages); effective investigations into death or ill-treatment caused by security forces (also translated in five non-official languages); freedom of religion; environment; and independence and impartiality of the judicial system. It is worthy to be noted that the regular publication of news items on the DEJ website led to significant increase of visits in 2020 which reached more than 75,000 (approximately 63,000 in 2019), while the followers of the DEJ Twitter account reached 3,000 (1,600 in 2019).

In 2020 DEJ also enhanced its interaction with the European Network of National Human Rights Institutions (ENNHRI) and the European Implementation Network (EIN), co-organising a series of four webinars which informed and trained around 80 representatives of more than 15 European NHRIs about the importance of the ECHR judgments' implementation and the ways to mainstream it across these national institutions.

DEJ continued its efforts to reinforce dialogue and interaction with the national authorities through physical and on-line meetings. For example, DEJ carried out a mission to Bosnia and Herzegovina and discussed with major stakeholders possible avenues to reach rapidly a concerted political undertaking to relaunch reforms to eliminate discriminations in the electoral system. Also the Human Rights Director held an on-line exchange with the Director for the Western Balkans, EU DG NEAR, focusing on the execution of the *Sejdić and Finci* group of judgments. Both directors agreed to coordinate action and ensure more synergy in order to enhance implementation of ECHR judgments in Bosnia and Herzegovina.

DEJ organised also a teleconference with the Greek authorities focusing on certain issues raised in the context of execution by Greece of judgments concerning reception and protection of unaccompanied migrant children (*M.S.S. and Rahimi* group of cases). The teleconference provided a platform for a direct exchange of views between the Greek authorities and the Secretariat of the Council of Europe, following up to the Committee of Ministers' decisions adopted in 2020.

A videoconference was organised with the French authorities focusing on the execution measures awaited in the context of the *M.A.* group of cases (removal of persons convicted of terrorism-related acts), the *Popov* group of cases (detention of families with minor children to ensure their removal from the territory) and the *Winterstein and Others* case (eviction of Travelers from camp sites).

Another teleconference was organised by DEJ with the Hungarian authorities. The discussions focused on improving the publication and dissemination of the Court's

judgments, strengthening the Government Agent's Office and the participation of law professionals in ECHR-related training courses, as well as further co-operation concerning notably police ill-treatment cases. Participants also discussed the status of execution of the *Szabó and Vissy* judgment, concerning the legislation on secret surveillance devoid of sufficient and adequate safeguards.

A videoconference was held also with the Irish authorities during which they exchanged with DEJ views on the measures required for the execution of the *McFarlane* group of cases, focusing in particular on the establishment of an effective remedy for excessively lengthy judicial proceedings.

During the same period teleconferences were organised with the Maltese authorities on the execution of pending cases, focusing in particular on those concerning property rights, excessive length of criminal proceedings and lack of effective remedies.

DEJ also took part in the peer to peer study visit to Malta which was organised by the Council of Europe SOGI Unit in cooperation with the authorities of North Macedonia and of Malta. The study visit was part of the North Macedonia authorities' plan to implement the European Court's 2019 judgment in the *X.* case, which concerns legal gender recognition.

DEJ participated in a seminar in Moscow on conditions of detention, including prisoners' transportation. Experts from the Russian Penitentiary Service (FSIN) and members of their regional branches participated and made presentations on issues concerning prison conditions. DEJ also participated online in an international conference organised by the Russian National Research University "Higher School of Economics", Moscow, concerning friendly settlements in international law, including those concluded before the European Court.

The department took part in an online expert conference focusing on the implementation of the ECHR judgment in *Zorica Jovanović v. Serbia*, concerning missing babies. The conference aimed to support Serbian judges to effectively implement the ECHR judgment and provided a platform for constructive exchange about outstanding challenges arising from the implementation of the above law.

DEJ carried out a mission to Ankara to discuss inadequate reasoning in domestic court judgments, a shortcoming increasingly underlined by the European Court in recent years. High-level meetings were held with the Constitutional Court, Court of Cassation, and the Council of State, during which various alternatives to improve the quality of domestic court judgments were discussed with the judicial authorities. The Department also visited the Council of Judges and Prosecutors, the Justice Academy, Supreme Council of Education (YÖK), Union of the Turkish Bar Associations, and the Ministry of Justice.

Lastly, in 2020 DEJ was actively involved in numerous cooperation activities under the Council of Europe Action Plan for Ukraine, mainly focused on supporting the execution of judgments under Article 6 of the Convention, judicial reform, media and information society reform, criminal justice and penitentiary reforms. The DEJ took part notably in the National Forum on Execution of Judgments and in the National Judicial Forum, and provided expert support to the State Commission on Execution of Judgments. In the course of the year DEJ also took part in awareness-raising events

linked notably to the General Prosecutor's Office, Verkhovna Rada, the Supreme Court and the Constitutional Court of Ukraine. Lastly, in 2020 the Director General of Human Rights and Rule of Law held a meeting with the Chairman and judges of the Constitutional Court of Ukraine focusing on the execution of ECHR judgments concerning Ukraine. In order to further strengthen cooperation, thematic expert discussions are envisaged for the next year as well as capacity-building activities for the Constitutional Court Secretariat.

## **B. General co-operation activities and National Action Plans**

Co-operation programmes 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 different expert bodies (CPT, CEPEJ, GRECO, ECRI, Venice Commission, etc.). The co-operation programmes thus constitute a welcome – and sometimes even indispensable – support to ensure the adoption of the suitable, sustainable measures to address the problems revealed by the Court's judgments.

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

In order to address the unprecedented COVID-19 outbreak and to continue implementing co-operation programmes under these circumstances, the Council of Europe modified its projects' workplans since spring 2020, together with its partners, in line with overall priorities and in compliance with the restrictions in force. This involved applying mitigating measures, where necessary, and focusing on activities in line with the limitations linked to the sanitary situation. The Council of Europe Field Offices have played an important role in this process that allowed business continuity and facilitated progress towards the achievement of programmes' objectives.

In 2020, major Action Plans between the Council of Europe and member States were being implemented in Armenia (2019-2022), in Azerbaijan (2018-2021), in Bosnia and Herzegovina (2018-2021), in Georgia (2020-2023), in the Republic of Moldova (2017-2020) and in Ukraine (2018-2022). All include actions that support the execution of ECHR judgments revealing structural problems and the need for long-term, continuing efforts. Such support has also been given through the more targeted co-operation activities implemented in 2020 with EU support in Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, Russian Federation, Serbia, Turkey, and Ukraine.

## **C. Targeted Convention-related co-operation projects**

2020 saw a continuation of the special efforts within DGI aiming at responding quickly to national demands for co-operation 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 from 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").

In 2020 the authorities of Bosnia and Herzegovina signed a written undertaking to start negotiations on the execution of *Sejdić and Finci* to agree on draft constitutional and legislative amendments. Support by the Council of Europe to the process through technical co-operation resumed at the end of 2020 and will continue in 2021 thanks to the HRTF contribution.

A new co-operation project was launched in the Russian Federation in July 2020. The Project's main purpose is to ensure the effective domestic implementation of the ECHR judgments and of other human rights standards arising from Council of Europe legal instruments.

2020 saw a continuation of many of the earlier projects notably as regards Ukraine and the following major issues raised in the context of the execution of ECHR judgments: independence and efficiency of the judiciary – fairness of disciplinary proceedings against judges (*Volkov*); non-enforcement of judgments against the State, or State-owned or controlled entities including the lack of an effective remedy (*Ivanov/Burmych*); reopening of proceedings to give effect to Strasbourg judgments (*Bochan No. 2* group of cases). In addition, the Council of Europe Parliamentary Assembly Secretariat worked on enhancing parliamentary oversight of the execution of judgements of the Court in Ukraine with Members and staff of the Parliament.

Assistance kept being provided to the South-East Europe region and Turkey through the European Union/Council of Europe Joint Programme "Horizontal Facility for the Western Balkans and Turkey – Phase II". In Albania, a targeted action aimed to support the enforcement of judicial decisions and to facilitate the execution of ECHR judgements, especially on property rights (*Beshiri and Others*). Assistance also focused on property rights-related cases, excessive length of civil proceedings and non-enforcement of judicial and administrative decisions (*Luli and Others*, *Driza* and *Puto and Others*) whose execution was under enhanced or standard supervision of the Committee of Ministers. Also, support in the field of legal gender recognition in North Macedonia contributes to the execution of *X. v. North Macedonia*.

In Montenegro, continuous support to uniform application of the ECHR and the Court's case-law at domestic level intended to improve quality of domestic courts' decisions. This assistance could indirectly contribute to the execution of the *Siništaj and Others* judgment concerning ineffective investigations into ill-treatment by security forces.

The extensive and continuous communication between the Council of Europe, the local authorities and civil society on the execution of the ECHR judgment *Zorica Jovanović v. Serbia* contributed to the adoption in 2020 of the Law on "missing babies" by Parliament.

As a direct outcome of the "Informal Working Group" meetings set up by the Secretary General in 2016, co-operation activities were conducted throughout

2020 to support the Turkish authorities in the preparations of the new Human Rights National Action Plan. Support to the implementation and reporting of this Action Plan can contribute to the execution of pending ECHR judgments in particular in the areas of the right to liberty and security, the right to a fair trial, and freedom of expression.

The European Programme for Human Rights Education for Legal Professionals (HELP Programme) has also continued to provide invaluable support to the implementation of the Court's judgments in all 47 member States. Its flexible methodology and reliance on virtual and online methodology has proved crucial in supporting European Justice Training Institutions and legal professionals in the Covid-19 pandemic context. By end 2020, the number of HELP users reached 80,000 (compared to 40,000 by end 2019).

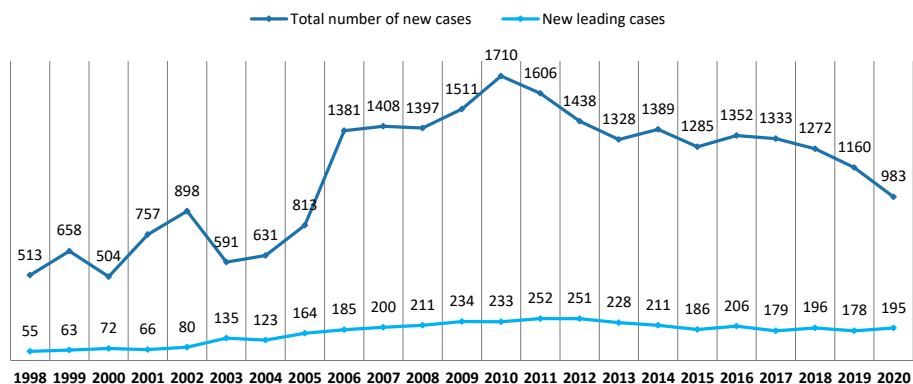
In support of these efforts, the Committee of Ministers, in its Human Rights decisions concerning pending cases, frequently invites respondent States to take advantage of the different co-operation programmes and projects offered by the Council of Europe. In 2020, the HELP Programme, in close cooperation with DEJ, issued a new training course on the execution of judgments of the European Court of Human Rights, in which 5,000 legal professionals were enrolled.

The HELP Programme has by now 37 online training courses in its catalogue, 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: 300 national adaptations of HELP courses have already been carried out throughout the Council of Europe member States. HELP training activities are regularly reviewed to reflect training needs as they emerge from the supervision of the execution of the Court's judgments. HELP is also a unique pan-European network of national training institutions and bar associations which constantly exchange good training practices on the most acute Convention issues. The HELP Programme is only partly funded by the ordinary budget and regularly receives financial support from the EU (HELP in the EU and HELP Radicalisation Prevention and Fight against Terrorism or HELP components in Horizontal Facility for Turkey and Western Balkans, South Mediterranean or Central Asia) as well as voluntary contributions for region or country-specific projects of particular importance (HELP in Russia, funded by HRTF).

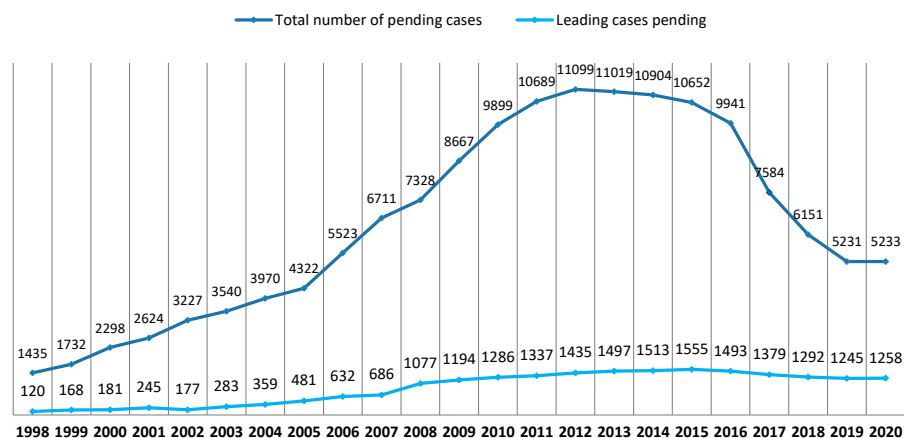
## IV. Statistics<sup>14</sup>

### A. Overview

#### A.1. New cases



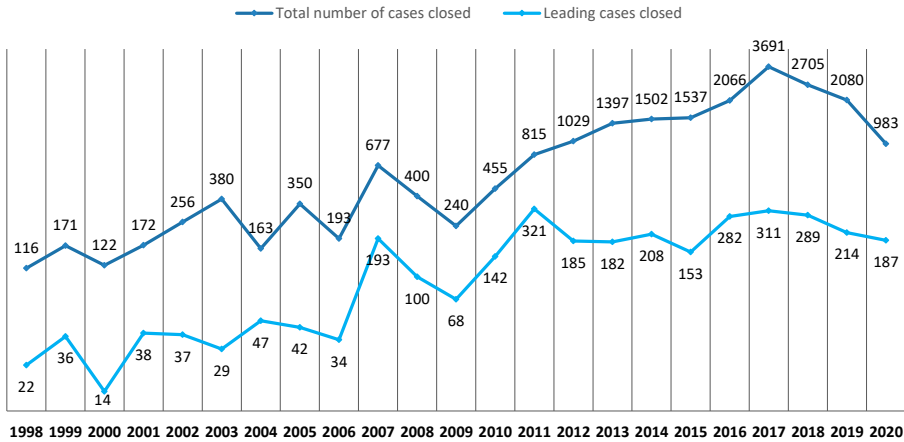
#### A.2. Pending cases



14. 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

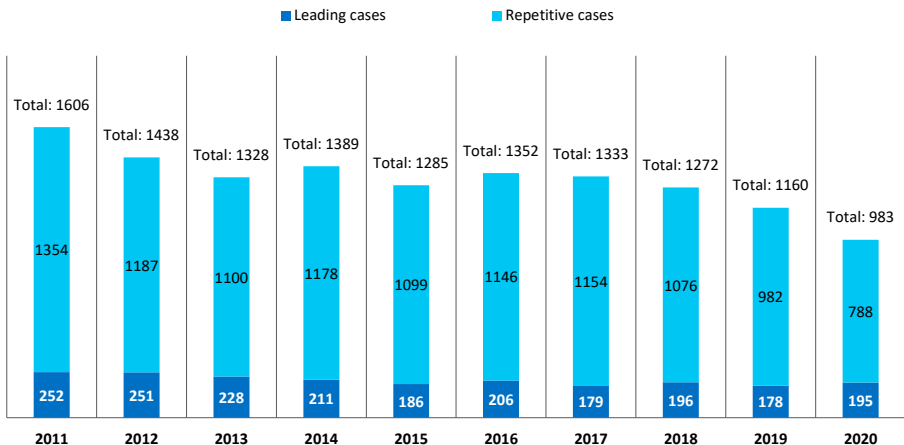
### Overview



## B. New cases

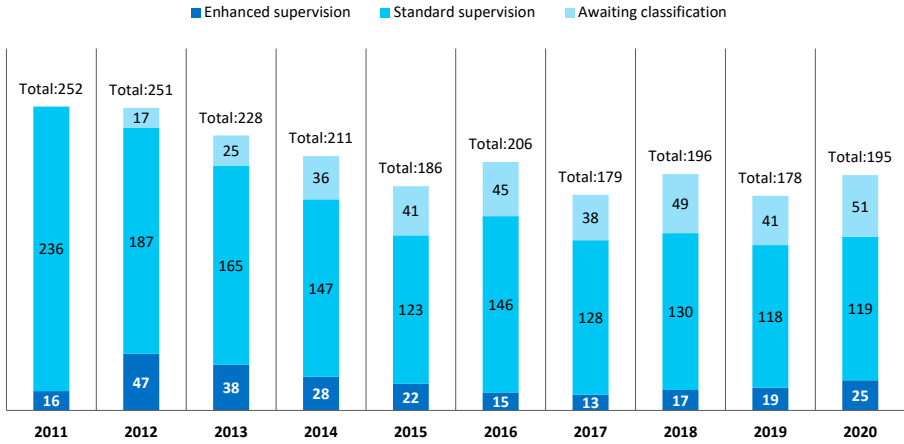
### B.1. Leading or repetitive

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

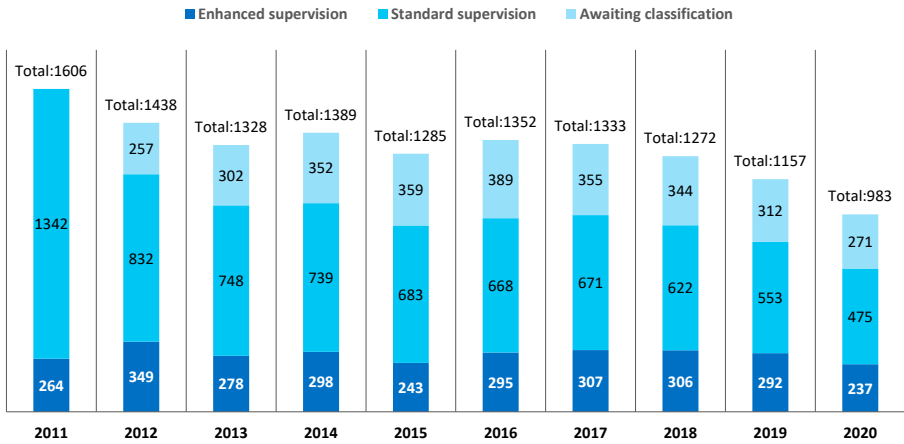


## B.2. Enhanced or standard supervision

### New leading cases



### Total number of new cases





### 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			
	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020
Albania		1	2			2	2	3			1				1	0	3	3
Andorra								0								0		0
Armenia			6	5			6	5	1	2	9	6	2	2	12	10	18	15
Austria					2		2	0			4	1			4	1	6	1
Azerbaijan	1	5		4		2	1	11	6	12	7	14	5	14	18	40	19	51
Belgium		1	5	5	2		7	6			2	8	5		7	8	14	14
Bosnia and Herzegovina		1	1	2	2	1	3	4	12	3	3	1	4	3	19	7	22	11
Bulgaria			4	6		8	4	14		8	11	6	3	6	14	20	18	34
Croatia			1	3		2	1	5			5	8	7	13	12	21	13	26
Cyprus				2				2			1	1			1	1	1	3
Czech Republic						1		1				1		1		2		3
Denmark					1	1	1	1								0	1	1
Estonia			2	1	1		3	1				1				1	3	2
Finland				1		1		2								0		2
France	1	2	3	7	2	1	6	10			2	3	7		9	3	15	13
Georgia			2	6	1		3	6	4	3	2	2	3	2	9	7	12	13

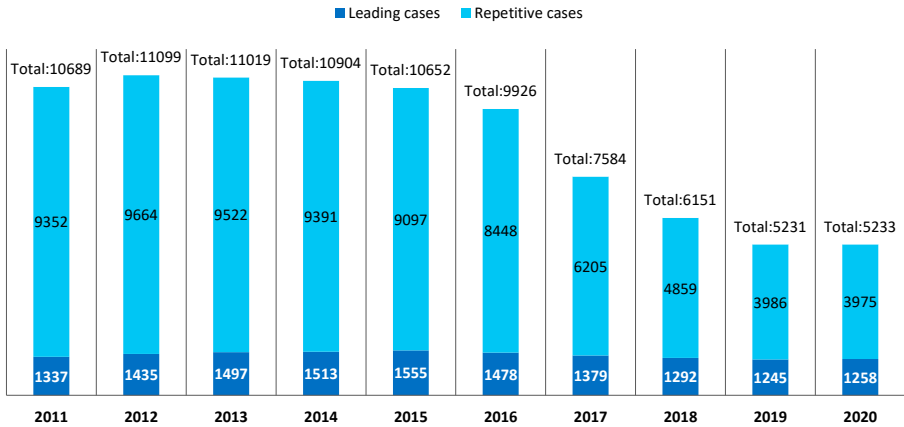
STATE	LEADING CASES								REPETITIVE CASES								TOTAL	
	Enhanced supervision		Standard supervision		Awaiting classification		Total of leading cases		Enhanced supervision		Standard supervision		Awaiting classification		Total of repetitive cases			
	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020
Germany				2				2			2	1	2		4	1	4	3
Greece			2	7	4	1	6	8	4	2	22	18	9	7	35	27	41	35
Hungary		2	1	6	1	1	2	9	25	5	46	30	18	17	89	52	91	61
Iceland			1		1	1	2	1			2	7	1		3	7	5	8
Ireland								0	1	1					1	1	1	1
Italy	2	2	6	2	2	1	10	5	1	1	13	17	15	5	29	23	39	28
Latvia			2	5		1	2	6			1	2			1	2	3	8
Liechtenstein								0								0		0
Lithuania		1	6	2	2	2	8	5			4	2	2		6	2	14	7
Luxembourg								0								0		0
Malta		1	1	1			1	2	5	5	7	2	1	1	13	8	14	10
Republic of Moldova	1		6	5	1	2	8	7	5	2	21	21	7	2	33	25	41	32
Monaco								0								0		0
Montenegro			2	3			2	3				7	1	1	1	8	3	11
Netherlands			1				1	0								0	1	0
North Macedonia	1		2	6	1	1	4	7			4	7	1	2	5	9	9	16
Norway	1						1	0		4						4	1	4

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			
	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020
Poland			4	3	1	1	5	4	4	2	20	14	9	2	33	18	38	22
Portugal	1	1	1	4	1		3	5	2		3	2	4	2	9	4	12	9
Romania	2	4	9	6	5	6	16	16	32	16	35	24	6	22	73	62	89	78
Russian Federation	2		10	6	6	3	18	9	75	72	69	76	78	61	222	209	240	218
San Marino				1				1				1				1		2
Serbia			1	4			1	4	7	1	23	4	1	7	31	12	32	16
Slovak Republic			4	3		1	4	4	1		10	11		4	11	15	15	19
Slovenia			5			1	5	1			2				2	0	7	1
Spain			5	1		2	5	3			2	2	1	2	3	4	8	7
Sweden								0								0		0
Switzerland	1		3	2		2	4	4			1				1	0	5	4
Turkey	4	1	14	6	1	3	19	10	38	27	81	45	46	21	165	93	184	103
Ukraine	2	2	3	1	3	3	8	6	50	46	18	9	35	23	103	78	111	84
United Kingdom		1	3	1	1		4	2			2	2	1		3	2	7	4
<b>TOTAL</b>	<b>19</b>	<b>25</b>	<b>118</b>	<b>119</b>	<b>41</b>	<b>51</b>	<b>178</b>	<b>195</b>	<b>273</b>	<b>212</b>	<b>435</b>	<b>356</b>	<b>274</b>	<b>220</b>	<b>982</b>	<b>788</b>	<b>1160</b>	<b>983</b>

## C. Pending cases

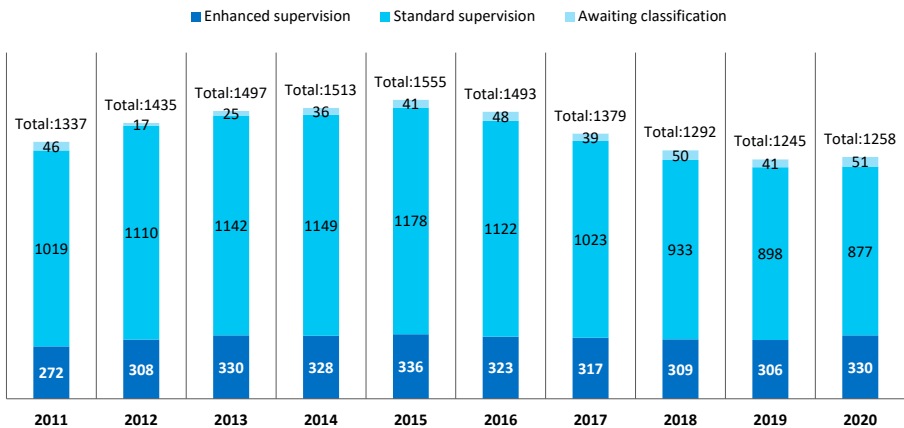
**Pending cases** are those in which the execution process is on-going. As a consequence, pending cases are at various stages of execution and must not be understood as unexecuted cases. In the overwhelming majority of these cases, individual redress has been provided, and cases remain pending mainly 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

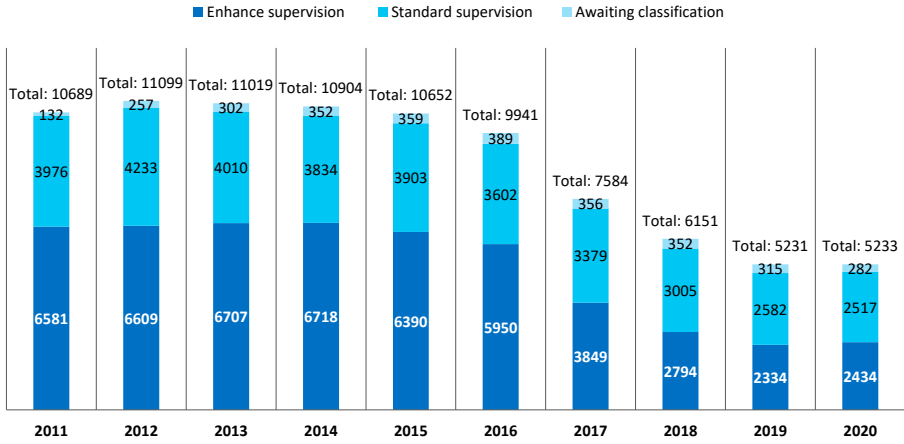


### C.2. Enhanced or standard supervision

#### Leading cases pending



## Total number of pending cases



### 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			
	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020
Albania	1	2	10	9		2	11	13	3	1	22	15			25	16	36	29
Andorra								0								0		0
Armenia	5	5	14	14			19	19	7	6	10	15	2	2	19	23	38	42
Austria			4	5	2		6	5			11	8			11	8	17	13
Azerbaijan	15	20	19	23		2	34	45	80	91	70	85	5	14	155	190	189	235
Belgium	4	5	12	13	2		18	18	5	4	2	9	5		12	13	30	31
Bosnia and Herzegovina	4	4	4	6	2	1	10	11	16	11	9	9	4	3	29	23	39	34
Bulgaria	18	18	61	57		8	79	83	23	30	65	47	3	6	91	83	170	166
Croatia	3	2	34	19		2	37	23	8	7	32	30	7	13	47	50	84	73
Cyprus	2	2	5	5			7	7		1	1	2			1	3	8	10
Czech Republic	1	1	1			1	2	2			1	1		1	1	2	3	4
Denmark					1	1	1	1								0	1	1
Estonia			1	2	1		2	2								0	2	2
Finland			9	10		1	9	11			20	20			20	20	29	31
France	2	4	15	21	2	1	19	26	1	1	9	8	7		17	9	36	35
Georgia	5	5	13	18	1		19	23	18	19	7	9	3	2	28	30	47	53

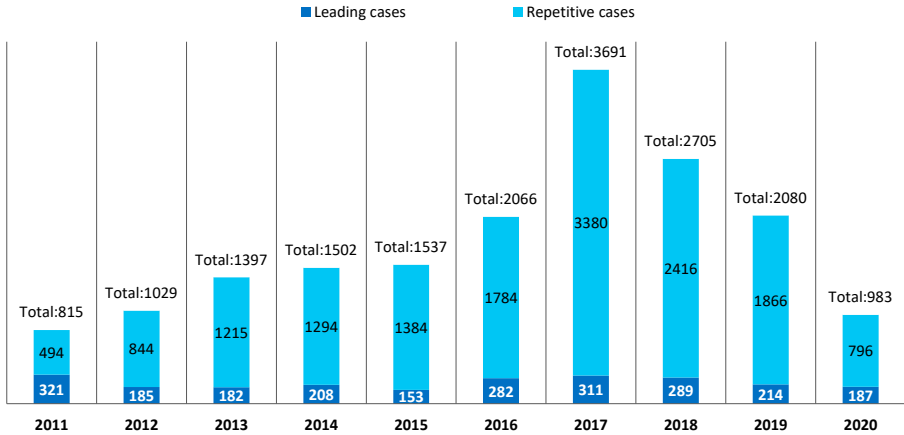
STATE	LEADING CASES								REPETITIVE CASES								TOTAL	
	Enhanced supervision		Standard supervision		Awaiting classification		Total of leading cases		Enhanced supervision		Standard supervision		Awaiting classification		Total of repetitive cases			
	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020
Germany			14	10			14	10			4	2	2		6	2	20	12
Greece	9	7	30	31	4	1	43	39	63	29	80	45	9	7	152	81	195	120
Hungary	9	13	38	40	1	1	48	54	63	68	137	137	18	17	218	222	266	276
Iceland			2	2	1	1	3	3			2	9	1		3	9	6	12
Ireland	1	1	1	1			2	2		1						1	2	3
Italy	20	23	34	33	2	1	56	57	60	59	67	63	15	5	142	127	198	184
Latvia			6	7		1	6	8			2				2	0	8	8
Liechtenstein			1	1			1	1			1	1			1	1	2	2
Lithuania	3	4	16	15	2	2	21	21			19	13	2		21	13	42	34
Luxembourg			1				1	0								0	1	0
Malta	3	4	10	7			13	11	11	17	6	4	1	1	18	22	31	33
Republic of Moldova	7	7	45	40	1	2	53	49	12	9	101	92	7	4	120	105	173	154
Monaco								0								0		0
Montenegro			3	5			3	5				1	1	1	1	2	4	7
Netherlands	1	1	4	4			5	5			1				1	0	6	5
North Macedonia	2	2	11	12	1	1	14	15	3	1	17	22	1	2	21	25	35	40
Norway	1	1	1	1			2	2		4						4	2	6

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			
	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020
Poland	9	10	20	22	1	1	30	33	30	25	29	29	9	2	68	56	98	89
Portugal	2	3	14	18	1		17	21	5	5	7	6	4	2	16	13	33	34
Romania	25	29	46	54	5	6	76	89	143	160	59	76	6	22	208	258	284	347
Russian Federation	55	58	158	156	6	3	219	217	900	984	466	518	78	70	1444	1572	1663	1789
San Marino				1				1								0		1
Serbia	5	5	8	7			13	12	11	2	32	12	1	7	44	21	57	33
Slovak Republic	1		11	13		1	12	14	10		10	13		4	20	17	32	31
Slovenia	1		11	6		1	12	7			1				1	0	13	7
Spain	1	1	15	15		2	16	18			7	10	1	2	8	12	24	30
Sweden		1	3	2			3	3								0	3	3
Switzerland	2	1	5	5		2	7	8			1				1	0	8	8
Turkey	34	37	120	109	1	3	155	149	204	206	284	248	46	21	534	475	689	624
Ukraine	53	51	63	53	3	3	119	107	346	357	91	80	35	23	472	460	591	567
United Kingdom	2	3	5	5	1		8	8	6	6	1	1	1		8	7	16	15
<b>TOTAL</b>	<b>306</b>	<b>330</b>	<b>898</b>	<b>877</b>	<b>41</b>	<b>51</b>	<b>1245</b>	<b>1258</b>	<b>2028</b>	<b>2104</b>	<b>1684</b>	<b>1640</b>	<b>274</b>	<b>231</b>	<b>3986</b>	<b>3975</b>	<b>5231</b>	<b>5233</b>



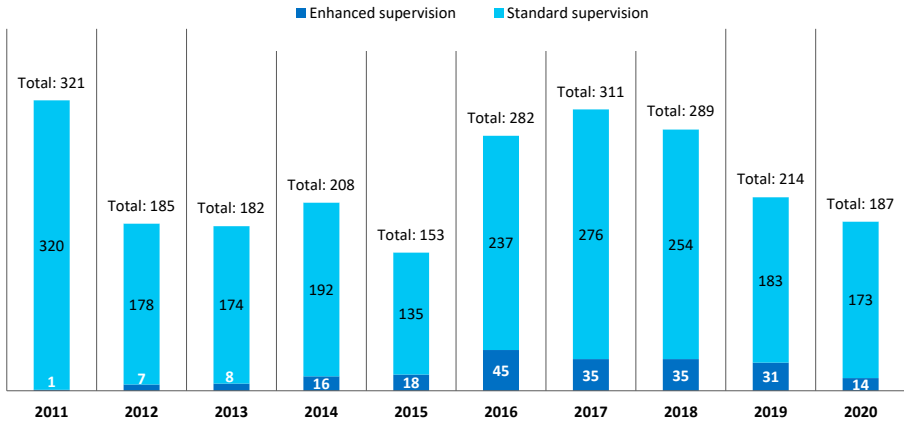
## D. Closed cases

### D.1. Leading or repetitive

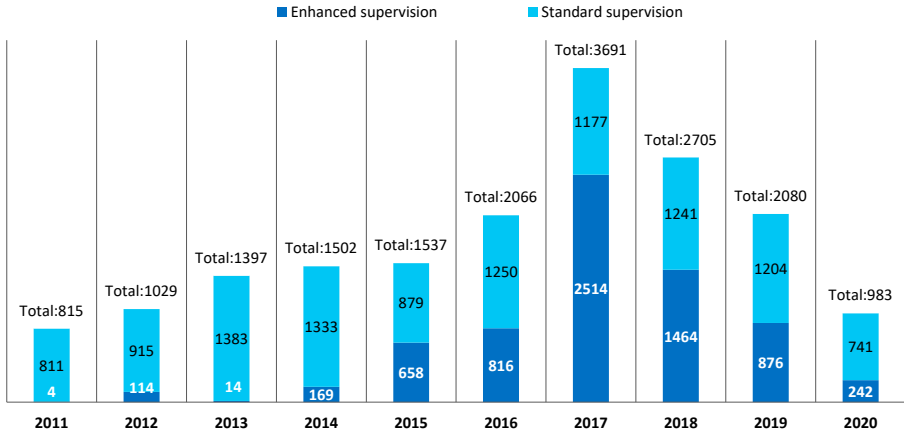


### D.2. Enhanced or standard supervision

#### Leading cases closed



## Total number of cases closed



### 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			
	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020
Albania				2		2		2	4	6	4	8	4	10
Andorra						0						0		0
Armenia			3	5	3	5	1	4	12	2	13	6	16	11
Austria			6	1	6	1			2	4	2	4	8	5
Azerbaijan		1	3		3	1	13	2		3	13	5	16	6
Belgium			3	6	3	6		1	2	6	2	7	5	13
Bosnia-Herzegovina		1	3	2	3	3		9	4	4	4	13	7	16
Bulgaria	4		12	10	16	10	28	1	12	27	40	28	56	38
Croatia			11	19	11	19			9	18	9	18	20	37
Cyprus	1			1	1	1	1				1	0	2	1
Czech Republic			2	1	2	1			2	1	2	1	4	2
Denmark				1		1						0		1
Estonia			2	1	2	1				1		1	2	2
Finland						0						0		0
France			4	3	4	3			7	11	7	11	11	14
Georgia			1	2	1	2	1	4	4	1	5	5	6	7
Germany			2	6	2	6				5		5	2	11

STATE	LEADING CASES						REPETITIVE CASES						TOTAL	
	Enhanced supervision		Standard supervision		Total of leading cases		Enhanced supervision		Standard supervision		Total of repetitive cases			
	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020
Greece	1	2	14	11	15	13	19	36	50	62	69	98	84	111
Hungary			5	3	5	3	8	6	64	42	72	48	77	51
Iceland			2	1	2	1				1		1	2	2
Ireland			1		1	0	1				1	0	2	0
Italy	2		10	4	12	4	13	3	61	35	74	38	86	42
Latvia			1	4	1	4			1	4	1	4	2	8
Liechtenstein						0						0		0
Lithuania	1		9	5	10	5			3	10	3	10	13	15
Luxembourg				1		1						0		1
Malta			2	4	2	4			4	4	4	4	6	8
Republic of Moldova	4		6	11	10	11	24	5	7	35	31	40	41	51
Monaco						0						0		0
Montenegro			2	1	2	1			1	7	1	7	3	8
Netherlands						0			2	1	2	1	2	1
North Macedonia	1		9	6	10	6		2	16	3	16	5	26	11
Norway						0						0		0
Poland			7	3	7	3		6	34	22	34	28	41	31
Portugal			3	1	3	1			10	7	10	7	13	8
Romania			3	2	3	2	12	2	98	11	110	13	113	15

STATE	LEADING CASES						REPETITIVE CASES						TOTAL	
	Enhanced supervision		Standard supervision		Total of leading cases		Enhanced supervision		Standard supervision		Total of repetitive cases			
	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020
Russian Federation	6	1	7	10	13	11	116	23	33	58	149	81	162	92
San Marino						0				1		1		1
Serbia	1	3		2	1	5		15	34	20	34	35	35	40
Slovak Republic		1	1	1	1	2		10	18	8	18	18	19	20
Slovenia		1	4	5	4	6			3	1	3	1	7	7
Spain			3	1	3	1			1		1	0	4	1
Sweden						0						0		0
Switzerland		1	5	2	5	3				1		1	5	4
Turkey	8		23	17	31	17	223	34	478	117	701	151	732	168
Ukraine	2	3	13	16	15	19	385	63	43	26	428	89	443	108
United Kingdom			1	2	1	2			2	3	2	3	3	5
<b>TOTAL</b>	<b>31</b>	<b>14</b>	<b>183</b>	<b>173</b>	<b>214</b>	<b>187</b>	<b>845</b>	<b>228</b>	<b>1021</b>	<b>568</b>	<b>1866</b>	<b>796</b>	<b>2080</b>	<b>983</b>

## 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 <sup>15</sup> (States concerned)
2020	212	398	48 (19)
2019	172	438	54 (18)
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)

15. 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).

## E.2. Interventions of the Committee of Ministers<sup>16</sup>

Year	Number of interventions of the CM during the year	Total cases / groups of cases examined	States concerned	States with cases under enhanced supervision
2020	136	131	28	32
2019	131	98	24	32
2018	123	96	30	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

The Committee of Ministers' interventions are divided as follows:

Year	Examined four times or more	Examined three times	Examined twice	Examined once
2020	1	3	16	86
2019	3	4	14	77
2018	3	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 2020, six leading cases/groups of cases concerning five States (Cyprus, Sweden, Serbia, Turkey and Hungary) have been transferred from standard to enhanced supervision. In 2019, five leading cases/groups of cases concerning three States (Poland, Romania and Turkey) have been transferred. In 2018, four leading cases/groups of cases concerning three States (Cyprus, Malta and Hungary) were transferred. In

16. Examinations during ordinary meetings of the Committee of Ministers without any decision adopted are not included in these tables.

2017, two leading cases/groups of cases concerning two States (Ireland and Russian Federation) were transferred. In 2016, six leading cases/groups of cases concerning four States (Bulgaria, Georgia, Romania and Turkey). In 2015, two leading cases/groups of cases concerning two States (Hungary and Turkey). In 2014, seven leading cases/groups of cases concerning four States (Bulgaria, Lithuania, Poland and Turkey). In 2013, two leading cases/groups of cases concerning two States (Italy and Turkey). In 2012, one leading case/group of cases concerning one State (Hungary). No leading case/group of cases was transferred in 2011.

### Transfers to standard supervision

In 2020, four leading cases/groups of cases concerning 4 States (Russian Federation, Serbia, Croatia, Ukraine) were transferred from enhanced to standard supervision. In 2019, 32 leading cases/groups of cases concerning 2 States (North Macedonia and Greece) were transferred. In 2018, no leading cases/groups of cases were transferred from enhanced to standard supervision. In 2017, five leading cases/groups of cases concerning three States (Bulgaria, Bosnia and Herzegovina and Russian Federation) were transferred from enhanced to standard supervision. In 2016, four leading cases/groups of cases concerning three States (Greece, Ireland and Turkey). In 2015, two leading cases/groups of cases concerning two States (Norway and the United Kingdom). In 2014, 19 leading cases/groups of cases concerning seven States (Bosnia and Herzegovina, Germany, Greece, Hungary, Italy, Poland and Russian Federation). In 2013, seven leading cases/groups of cases concerning three States (Slovenia, Turkey and Russian Federation). In 2012, nine leading case/group of cases concerning six States (Croatia, Spain, Republic of Moldova, Poland, Russian Federation and the United Kingdom). In 2011, four leading case/group of cases concerning four States (France, Georgia, Germany and Poland) were transferred.

### E.4. Contributions by NHRIs and NGOs

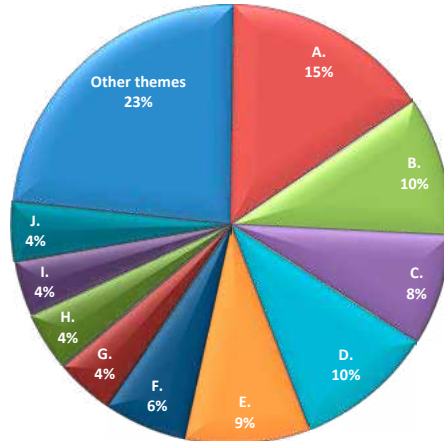
Year	Contributions from Non-Governmental Organisations (NGO) or National Human Rights Institutions (NHRI)	States concerned
2020	176	28
2019	133	24
2018	64	19
2017	79	19
2016	90	22
2015	81	21
2014	80	21
2013	81	18
2012	47	16
2011	47	12



## E.5. Main themes of leading cases under enhanced supervision<sup>17</sup>

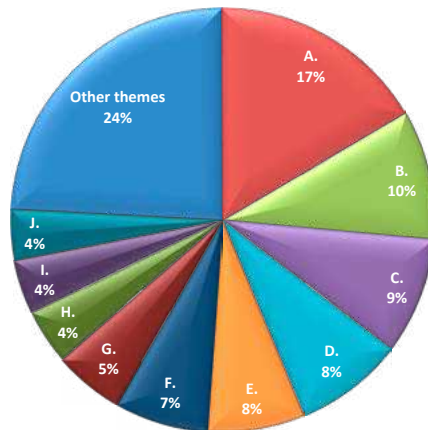
### 2020

- Other themes
- A. Actions of security forces
- B. Lawfulness of detention and related issues
- C. Right to life - Protection against ill-treatment: specific situations
- D. Conditions of detention and medical care
- E. Length of judicial proceedings
- F. Other interferences with property rights
- G. Enforcement of domestic judicial decisions
- H. Lawfulness of expulsion or extradition
- I. Freedom of assembly and association
- J. Freedom of expression



### 2019

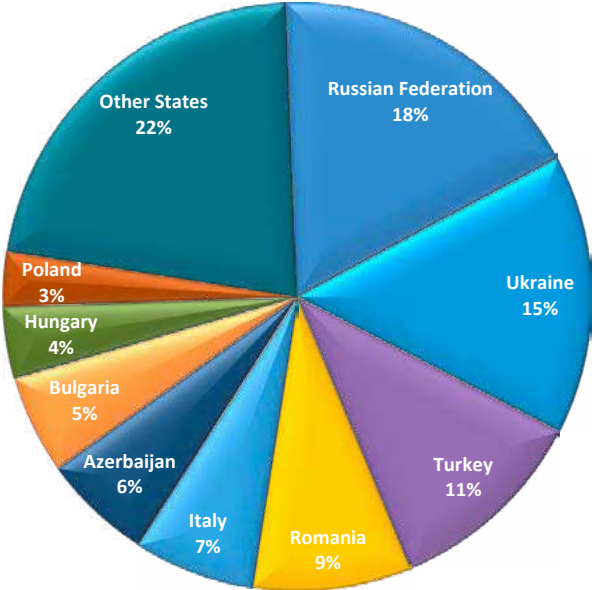
- Other themes
- A. Actions of security forces
- B. Lawfulness of detention and related issues
- C. Right to life - Protection against ill-treatment: specific situations
- D. Conditions of detention and medical care
- E. Length of judicial proceedings
- F. Other interferences with property rights
- G. Enforcement of domestic judicial decisions
- H. Lawfulness of expulsion or extradition
- I. Freedom of assembly and association
- J. Freedom of expression



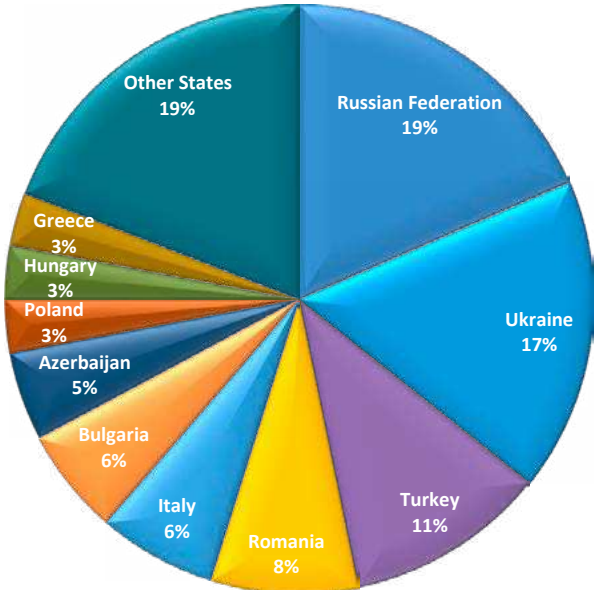
17. "Other interferences with property rights" refers to cases concerning interferences other than expropriations and nationalisations.

**E.6. Main States with leading cases under enhanced supervision**

2020



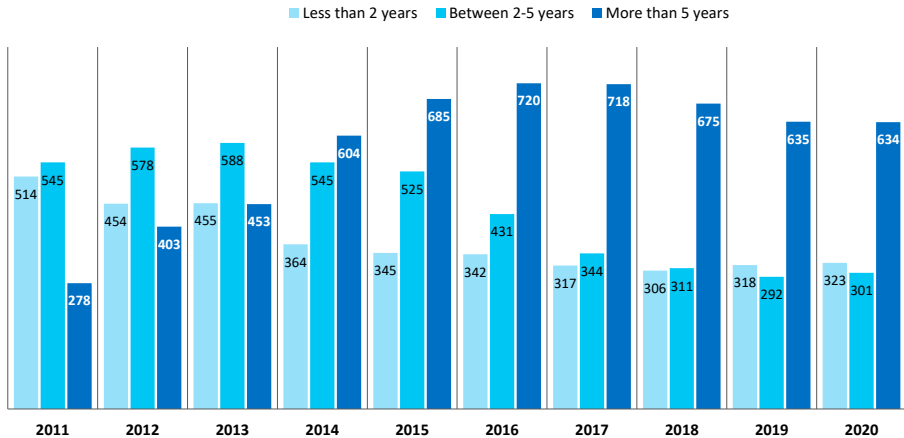
2019



## F. Length of the execution process

### F.1. Leading cases pending

#### Overview



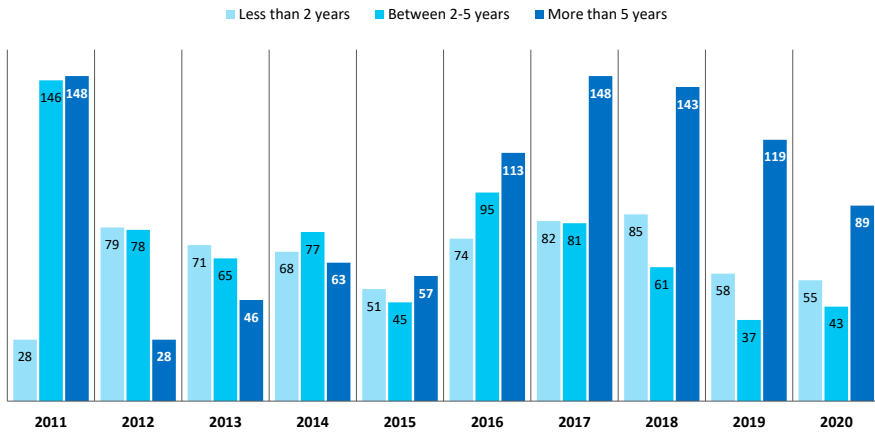
#### Leading cases pending – State by State

STATE	ENHANCED SUPERVISION						STANDARD SUPERVISION					
	< 2 years		2-5 years		>5 years		< 2 years		2-5 years		>5 years	
	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020
Albania		1			1	1	6	2	2	6	2	1
Andorra												
Armenia	1		2	2	2	3	8	7	3	4	3	3
Austria							1	1		1	3	3
Azerbaijan	1	6	3	2	11	12	1	4	2	2	16	17
Belgium		1	2	1	2	3	7	9	5	4		
Bosnia and Herzegovina	1			1	3	3	2	4	1	2	1	
Bulgaria			5	3	13	15	16	9	18	20	27	28
Croatia					3	2	4	2	10	6	20	11
Cyprus	1			1	1	1	3	2	2	3		
Czech Republic					1	1	1					
Denmark												
Estonia							1	2				
Finland								1			9	9
France	2	3		1			6	10	5	5	4	6
Georgia			2	1	3	4	6	9	5	6	2	3

STATE	ENHANCED SUPERVISION						STANDARD SUPERVISION					
	< 2 years		2-5 years		>5 years		< 2 years		2-5 years		>5 years	
	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020
Germany							3	2	11	8		
Greece			3		6	7	6	12	11	8	13	11
Hungary		3	4	2	5	8	2	7	13	9	23	24
Iceland							1	1	1	1		
Ireland					1	1					1	1
Italy	4	5	7	7	9	11	11	8	6	10	17	15
Latvia							2	5	2		2	2
Liechtenstein									1	1		
Lithuania	1	1		1	2	2	11	8	2	7	3	
Luxembourg							1					
Malta		1	1	1	2	2	5	2	3	3	2	2
Republic of Moldova	1	1			6	6	7	6	3	2	35	32
Monaco												
Montenegro							2	4	1	1		
Netherlands	1			1			1	1	3	3		
North Macedonia	2	1		1			2	6	4	1	5	5
Norway	1	1					1			1		
Poland			3		6	10	6	5	9	10	5	7
Portugal	1	2			1	1	4	6	9	9	1	3
Romania	6	6	4	8	15	15	18	19	20	23	8	12
Russian Federation	8	6	9	12	38	40	21	18	26	31	111	107
San Marino								1				
Serbia			1		4	5	2	4	1	1	5	2
Slovak Republic					1		6	7	3	3	2	3
Slovenia					1		8	2	1	3	2	1
Spain					1	1	8	6	6	7	1	2
Sweden				1			1		2	2		
Switzerland	1		1	1			5	4		1		
Turkey	6	5	7	7	21	25	27	19	25	26	68	64
Ukraine	4	4	11	6	38	41	9	6	10	10	44	37
United Kingdom		1			2	2	3	3	1	1	1	1
<b>TOTAL</b>	<b>42</b>	<b>48</b>	<b>65</b>	<b>60</b>	<b>199</b>	<b>222</b>	<b>235</b>	<b>224</b>	<b>227</b>	<b>241</b>	<b>436</b>	<b>412</b>

## F.2. Leading cases closed

### Overview



### 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	
	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020
Albania												2
Andorra												
Armenia							1	4	2	1		
Austria							1	1	1		4	
Azerbaijan						1					3	
Belgium							2	4		2	1	
Bosnia and Herzegovina	1						3	1				1
Bulgaria			1		3		6	3	2	5	4	2
Croatia							4	2	1	2	6	15
Cyprus					1					1		
Czech Republic							1		1	1		
Denmark								1				
Estonia							1	1	1			
Finland												
France								2	2	1	2	
Georgia							1			2		
Germany							1	1	1	4		1
Greece			1	1		1		2	2	5	12	4

STATE	ENHANCED SUPERVISION						STANDARD SUPERVISION					
	< 2 years		2-5 years		>5 years		< 2 years		2-5 years		>5 years	
	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020
Hungary									1		4	3
Iceland							1	1			1	
Ireland									1			
Italy					2		2	1	2		6	3
Latvia								2	1	1		1
Liechtenstein												
Lithuania	1						6	2	3			3
Luxembourg										1		
Malta							2	1		2		1
Republic of Moldova					4		4	5			2	6
Monaco												
Montenegro							2			1		
Netherlands												
North Macedonia					1		4	3	3		2	3
Norway												
Poland							3	2	2	1	2	
Portugal									2	1	1	
Romania							2				1	2
Russian Federation			1		5	1					7	10
San Marino												
Serbia				1	1	2		1		1		
Slovak Republic						1		1			1	
Slovenia						1	3	2		2	1	1
Spain							1		2	1		
Sweden												
Switzerland		1					1	1	1	1	3	
Turkey					8		2	4	1	4	20	9
Ukraine			1		1	3	3	3	1	1	9	12
United Kingdom								2			1	
<b>TOTAL</b>	<b>1</b>	<b>2</b>	<b>4</b>	<b>2</b>	<b>26</b>	<b>10</b>	<b>57</b>	<b>53</b>	<b>33</b>	<b>41</b>	<b>93</b>	<b>79</b>

## G. Just satisfaction

### G.1. Just satisfaction awarded

#### Global amount

YEAR	TOTAL AWARDED
2020	76 452 187 €
2019	77 244 322 €
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

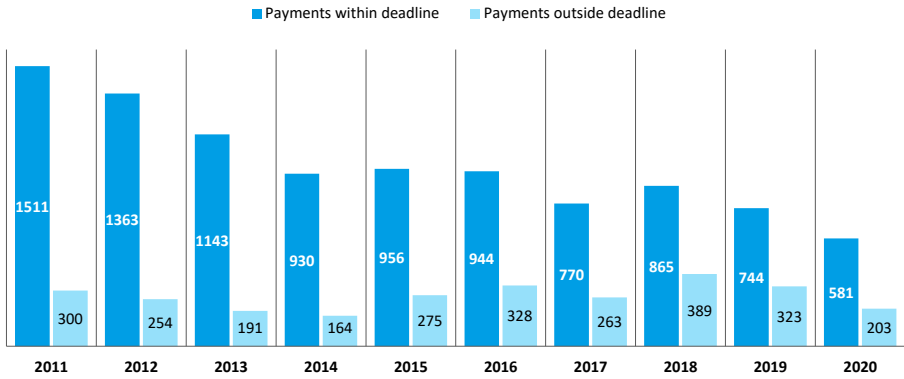
STATE	TOTAL AWARDED	
	2019	2020
Albania	117 050 €	62 220 €
Andorra	0 €	0 €
Armenia	2 130 858 €	417 550 €
Austria	45 881 €	6 000 €
Azerbaijan	707 010 €	803 726 €
Belgium	211 561 €	324 015 €
Bosnia and Herzegovina	755 810 €	117 720 €
Bulgaria	421 823 €	330 213 €
Croatia	105 313 €	237 458 €
Cyprus	34 124 €	52 119 €
Czech Republic	0 €	23 669 €
Denmark	2 000 €	14 000 €
Estonia	73 900 €	64 300 €
Finland	0 €	149 525 €
France	256 320 €	1 006 536 €
Georgia	101 970 €	183 200 €
Germany	25 500 €	11 828 €
Greece	1 562 538 €	2 131 421 €
Hungary	5 391 826 €	1 665 127 €

STATE	TOTAL AWARDED	
	2019	2020
Iceland	65 300 €	109 000 €
Ireland	11 000 €	3 000 €
Italy	16 964 113 €	5 134 768 €
Latvia	9 762 €	20 353 €
Liechtenstein	0 €	0 €
Lithuania	216 846 €	364 419 €
Luxembourg	0 €	0 €
Malta	1 081 035 €	1 669 066 €
Republic of Moldova	526 079 €	4 179 342 €
Monaco	0 €	0 €
Montenegro	16 500 €	4 589 746 €
Netherlands	4 196 €	0 €
North Macedonia	266 915 €	329 683 €
Norway	34 350 €	116 800 €
Poland	454 936 €	252 304 €
Portugal	4 690 494 €	227 667 €
Romania	4 395 996 €	37 455 775 €
Russian Federation	28 547 005 €	11 458 094 €
San Marino	0 €	26 000 €
Serbia	547 510 €	221 305 €
Slovak Republic	3 222 290 €	176 788 €
Slovenia	223 067 €	18 412 €
Spain	45 894 €	55 048 €
Sweden	0 €	0 €
Switzerland	56 834 €	118 103 €
Turkey	2 170 693 €	1 548 027 €
Ukraine	1 675 140 €	685 755 €
United Kingdom	74 883 €	102 104 €
<b>TOTAL</b>	<b>77 244 322 €</b>	<b>76 452 187 €</b>

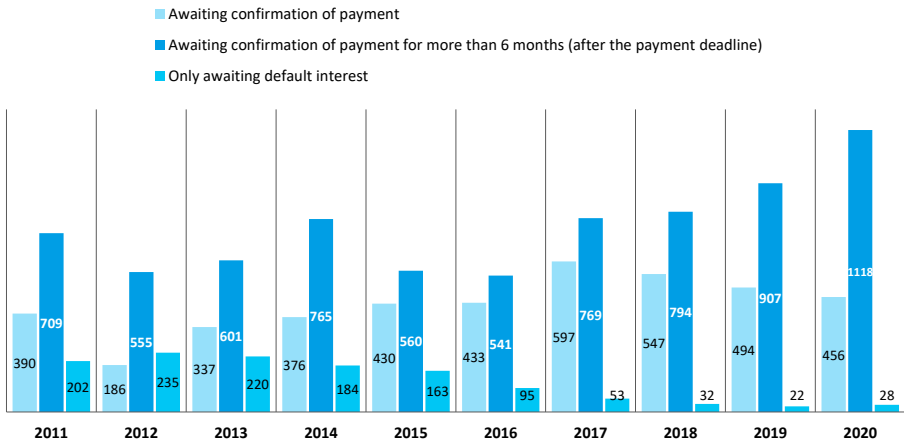


## G.2. Respect of payment deadlines

### Overview of payments made



### Awaiting Information on payment



## State by State

STATE	RESPECT OF PAYMENT DEADLINES									
	Payments within deadline		Payments outside deadline		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)	
	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020
Albania	1		11				7	10	6	7
Andorra										
Armenia	20	12	1				5	8	2	3
Austria	5	4	1				4	1	2	1
Azerbaijan	1	6	19	18		6	51	69	37	35
Belgium	1	10		5	1		9	9	1	2
Bosnia and Herzegovina	11	7	3	3			12	13	3	10
Bulgaria	23		3				10	41	6	17
Croatia	10	19	1				1	8		
Cyprus	1	2	1				1	2		
Czech Republic	2							3		
Denmark		1					1			
Estonia	3	2								
Finland								1		1
France	6	13	3	2			7	4		
Georgia	12	11	1					2		
Germany	1	4					5	4	1	1
Greece	51	42	5	3			16	12		1
Hungary	62	43	7	1			133	153	96	113
Iceland	2	9					2	1		
Ireland	1	1								
Italy	21	14	42	16	7	8	42	40	21	29
Latvia	3	5						1		
Liechtenstein										
Lithuania	20	12	1				4	3	1	1
Luxembourg										
Malta	14	7	2	2			1	3		1
Republic of Moldova	41	28					15	19	4	6

STATE	RESPECT OF PAYMENT DEADLINES									
	Payments within deadline		Payments outside deadline		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)	
	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020
Monaco										
Montenegro	3	10						1		
Netherlands	3									
Norway	1	3						2		
North Macedonia	22	11	1				2	5		1
Poland	40	26	1				17	13	5	6
Portugal	8	9	1	1			8	7	1	2
Romania	52	22	48	8			63	105	24	60
Russian Federation	22	28	97	77	8	10	644	750	478	620
San Marino		2								
Serbia	36	8	10	6			9	10	1	1
Slovak Republic	18	13					1	3		
Slovenia	9	1						1		
Spain	4	3	1				3	3	1	
Sweden										
Switzerland	4	2					1	1		
Turkey	134	123	6	12	1		99	66	53	50
Ukraine	72	65	57	48	5	4	226	199	164	149
United Kingdom	4	3		1			2	1		1
<b>TOTAL</b>	<b>744</b>	<b>581</b>	<b>323</b>	<b>203</b>	<b>22</b>	<b>28</b>	<b>1401</b>	<b>1574</b>	<b>907</b>	<b>1118</b>

## 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 respondent State's commitment to adopt individual measures or 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
2020	466	224	16	240
2019	537	339	12	351
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	
	2019	2020	2019	2020	2019	2020
Albania			1 (1)		1	0
Andorra						0
Armenia	12 (33)	7 (7)	1 (1)	4 (8)	13	11
Austria	3 (3)		2 (2)	1 (2)	5	1
Azerbaijan	7 (36)	18 (39)	3 (6)	12 (23)	10	30
Belgium		3 (9)	9 (17)	6 (8)	9	9
Bosnia and Herzegovina	18 (376)	6 (17)	3 (3)	1 (3)	21	7
Bulgaria	7 (8)	15 (25)	8 (8)	1 (1)	15	16
Croatia	4 (7)	8 (9)	4 (5)	10 (10)	8	18
Cyprus				1 (1)		1

STATE	“WECL” cases Article 28§1b (number of corresponding applications)		Friendly settlements (Article 39§4) (number of corresponding applications)		TOTAL	
	2019	2020	2019	2020	2019	2020
Czech Republic				2 (2)		2
Denmark						0
Estonia		1 (1)		1 (8)		2
Finland						0
France	7 (7)		2 (2)	3 (3)	9	3
Georgia	4 (4)	4 (4)	1 (1)	1 (1)	5	5
Germany			4 (4)	1 (1)	4	1
Greece	6 (6)	8 (10)	20 (60)	16 (52)	26	24
Hungary	33 (97)	23 (45)	54 (437)	31 (233)	87	54
Iceland	2 (2)			6 (6)	2	6
Ireland	1 (1)				1	0
Italy	5 (5)	10 (10)	22 (298)	14 (15)	27	24
Latvia	1 (1)	3 (3)			1	3
Liechtenstein						0
Lithuania	8 (8)	4 (8)	1 (5)	1 (1)	9	5
Luxembourg						0
Malta	2 (2)	5 (5)	6 (6)		8	5
Republic of Moldova	34 (35)	16 (28)	2 (2)	7 (9)	36	23
Monaco						0
Montenegro		7 (10)		1 (1)		8
Netherlands	1 (1)				1	0
North Macedonia	5 (5)	7 (8)	1 (1)	3 (22)	6	10
Norway						0
Poland	9 (9)	11 (12)	22 (31)	7 (7)	31	18
Portugal	5 (7)		5 (7)	4 (16)	10	4
Romania	53 (252)	37 (280)	34 (123)	18 (62)	87	55
Russian Federation	147 (392)	129 (498)	43 (430)	45 (396)	190	174
San Marino				1 (1)		1
Serbia	17 (145)	1 (1)	13 (103)	10 (101)	30	11
Slovak Republic	1 (2)	7 (8)	9 (16)	7 (12)	10	14
Slovenia	1 (1)		1 (1)		2	0
Spain	2 (3)	4 (8)			2	4

STATE	"WECL" cases Article 28§1b (number of corresponding applications)		Friendly settlements (Article 39§4) (number of corresponding applications)		TOTAL	
	2019	2020	2019	2020	2019	2020
Sweden						0
Switzerland		1 (1)	1 (1)		1	1
Turkey	48 (130)	59 (76)	76 (120)	21 (151)	124	80
Ukraine	93 (165)	72 (200)		3 (14)	93	75
United Kingdom	1 (7)		3 (3)	1 (1)	4	1
<b>TOTAL</b>	<b>537 (1750)<sup>18</sup></b>	<b>466 (1322)</b>	<b>351 (1694)</b>	<b>240 (1171)</b>	<b>888</b>	<b>706</b>

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



## V. New judgments with indications of relevance for the execution

### A. Pilot judgments which became final in 2020

STATE	CASE	APPLICATION No.	JUDGMENT FINAL ON	NATURE OF VIOLATIONS FOUND BY THE COURT
Ukraine	<i>Sukachov</i>	14057/17	30/05/2020	<p><b>Enhanced supervision</b></p> <p><i>Recurrent structural problem:</i> Overcrowding and inadequate material conditions of pre-trial detention; widespread problem persisting since at least 2005, when the Court gave its first judgment on the matter; lack of effective domestic remedies.</p> <p>The Court indicated that the authorities should introduce effective preventive and compensatory remedies for inadequate conditions of detention, at the latest within 18 months of this judgment becoming final and should adopt a range of listed comprehensive measures to reduce overcrowding and improve conditions of detention.</p>



## B. Judgments with indications of relevance for the execution (under Article 46) which became final in 2020

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
<b>Albania</b>	<i>Strazimiri</i>	34602/16	21/05/2020	<p><b>Enhanced supervision</b></p> <p>Poor conditions of detention and inadequate medical treatment of a mentally ill person subject to court-ordered compulsory medical treatment. As regards individual measures, the Court indicated, that the authorities should secure, as a matter of urgency, the administration of suitable and individualised forms of therapy to the applicant and consider the possibility of his placement in an alternative setting outside of the penal facilities. As regards general measures, the Court indicated, that an "appropriate institution" should be established to accommodate persons such as the applicant with a view to improving their living conditions. This institution must respect the therapeutic purpose of this form of deprivation of liberty and a sufficient number of qualified mental health care staff should be recruited. In addition, the authorities should consider, where appropriate, the possibility of outpatient mental health treatment.</p>

STATE	CASE	APPLICATION No.	JUDGMENT FINAL ON	NATURE OF INDICATIONS GIVEN BY THE COURT
<b>Azerbaijan</b>	<i>Bagirov</i>	81024/12 and 28198/15	25/09/2020	<b>Enhanced supervision</b> Disproportionate, unlawful and insufficiently reasoned interference with freedom of expression resulting in a lawyer's suspension and later disbarment for public criticism of police brutality as well as for disrespectful remarks about a judge made in courtroom while representing Ilgar Mammadov. The Court underlined the Committee of Ministers' supervisory role concerning the adoption of measures by the respondent State aimed at restoring the applicant's professional activities. Those measures should be feasible, timely, adequate and sufficient to ensure the maximum possible reparation for the violation and put the applicant, as far as possible, in the position in which he had been before his disbarment.
	<i>Mushfig Mammadov and Others</i>	14604/08+	17/01/2020	<b>Enhanced supervision</b> Unnecessary interference with freedom of conscience, thought and religion due to the prosecution of and criminal proceedings against the applicants on account of their refusal to perform military service which stemmed from the absence of an alternative service system for conscientious objectors. The Court highlighted the lack of legislation on alternatives to military service, noting that the enactment of such a law corresponded to the commitment entered into by Azerbaijan on its accession to the Council of Europe and was also a requirement under the Constitution.
<b>Bosnia and Herzegovina</b>	<i>Baralija</i>	30100/18	29/01/2020	<b>Enhanced supervision/case closed</b> Discrimination on the ground of residence and non-compliance with a Constitutional Court decision leading to the impossibility, since 2008, for residents of Mostar to vote and stand in local elections. In July 2020, the Election Act was amended, in line with the Court's findings, OSCE requirements and Venice Commission recommendations.

STATE	CASE	APPLICATION No.	JUDGMENT FINAL ON	NATURE OF INDICATIONS GIVEN BY THE COURT
<b>Bosnia and Herzegovina</b>	<i>Orlovic and Others</i>	16332/18	01/01/2020	<p><b>Standard supervision</b></p> <p>Non-enforcement of a final domestic decision by the Commission for Real Property Claims of Displaced Persons and Refugees ordering full repossession of land by internally displaced persons, including a plot on which a church had been built. The Court considered that all necessary measures must be taken to secure full enforcement of the relevant decision, including the removal of the church from the applicants' land, without further delay, at the latest within three months from the date on which the judgment becomes final.</p>
<b>France</b>	<i>J.M.B. and Others</i>	9671/15+	30/05/2020	<p><b>Enhanced supervision</b></p> <p>Poor conditions of detention (overcrowding, lack of privacy, insufficient activities outside the cell, etc.) in the following prisons: Ducos (Martinique), Faa'a Nuutania (French Polynesia), Baie-Mahault (Guadeloupe), Nîmes, Nice and Fresnes and lack of an effective preventive remedy, despite a positive change in the administrative courts' case-law regarding some of the prisoners' complaints. The Court noted that the occupancy rates of the prisons in question disclosed a structural problem and recommended the adoption of general measures aimed at eliminating overcrowding and improving the material conditions of detention, in particular by revising the method of calculating prison capacity and improving compliance with maximum occupancy standards. Furthermore, an effective preventive remedy should be put in place, which, together with the compensatory remedy, would enable prisoners to obtain redress.</p>

STATE	CASE	APPLICATION No.	JUDGMENT FINAL ON	NATURE OF INDICATIONS GIVEN BY THE COURT
France	<i>Moustahi</i>	9671/15	25/09/2020	<p><b>Enhanced supervision</b></p> <p>Detention and hasty collective return of two very young unaccompanied migrant children from Mayotte to the Comoros, without an examination of their individual situation. The Court noted positive developments in legislation and case-law, in particular that of the “<i>juge des référés du Conseil d’État</i>” which has underlined the administrative authorities’ obligation to verify the identity of migrant minors placed in detention as well as the conditions of removal and of reception in the country of return. As to the new legislative provisions applicable in Mayotte (which proscribe a third country national’s removal before the expiration of one clear day), the authorities were called upon to ensure that their application would not entail any further similar violations.</p>
Russian Federation	<i>Korneyeva</i>	72051/17	24/02/2020	<p><b>Enhanced supervision</b></p> <p>Support for the execution of the <i>Lashmankin and Others group</i>: Infringement of the <i>ne bis in idem</i> – principle due to the applicant’s conviction under the Federal Code of Administrative Offences (CAO) for two separate offences relying on the same facts and circumstances in the context of an unauthorised rally.</p> <p>Unlike other procedural codes, the CAO does not have a mechanism for reopening impugned court decisions following the finding of a violation by the Court. It is for the Government, in co-operation with the Committee of Ministers, to consider appropriate measures to facilitate the rapid and effective suppression of this malfunction in the human-rights protection system, for instance, by way of further clarifying the scope of the <i>ne bis in idem</i> principle in CAO cases in a manner compatible with the approach taken by the Court in its case-law.</p>

STATE	CASE	APPLICATION No.	JUDGMENT FINAL ON	NATURE OF INDICATIONS GIVEN BY THE COURT
<b>Russian Federation</b>	<i>N.T.</i>	14727/11	16/11/2020	Conditions of detention of life prisoners, who are automatically placed, for the first ten years of their imprisonment, under a strict regime involving segregation, limited outdoor exercise and a lack of purposeful activity. The Court noted the efforts made so far with a view to improving life prisoners' conditions of detention. However, further reform of the existing regulatory framework is required, which may include the removal of the automatic application of the strict regime to all life prisoners as well as the possibility that the strict regime may only be imposed on the basis of an individual risk assessment and only as long as strictly necessary.
<b>Turkey</b>	<i>Ali Riza and Others</i>	30226/10+	22/06/2020	<p><b>Standard supervision</b></p> <p>Structural deficiencies of proceedings before the Arbitration Committee of the Turkish Football Federation (TFF) on account of its lack of independence and impartiality due to the vast powers given to the Board of Directors over its organisation and operation, the lack of adequate safeguards protecting its members against outside pressures as well as the privileged representation of football clubs – in comparison to players or referees – in the TFF governing bodies.</p> <p>The Court called for general measures aimed at reforming the system of settlement of football disputes under the auspices of the TFF.</p>
	<i>Kavala</i>	28749/18	15/11/2020	<p><b>Enhanced supervision</b></p> <p>Extended detention of a human rights activist accused of attempting to overthrow the Government or the constitutional order, without reasonable suspicion that the applicant had had such violent intentions. Regard being had to the particular circumstances of the case and the grounds on which the Court had based its findings, the respondent State was required to take measures to put an end to the applicant's detention and to secure his immediate release.</p>

STATE	CASE	APPLICATION No.	JUDGMENT FINAL ON	NATURE OF INDICATIONS GIVEN BY THE COURT
<b>Turkey</b>	<i>Selahattin Demirtaş</i>	14305/17	22/12/2020	Prolonged detention of a Member of Parliament on the basis of charges of terrorist activity resulting in his exclusion from parliamentary proceedings without sufficient justification. Regard being had to the particular circumstances of the case and the grounds on which the Court based its findings, the respondent State was required to take measures to put an end to the applicant's detention and to secure his immediate release.



## VI. Further information on the execution of judgments

### A. Internet

#### HUDOC-EXEC database



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.).

<https://hudoc.exec.coe.int/ENG>

#### Website of the Committee of Ministers



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.

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

#### Website of the Department for the Execution of Judgments



The website provides the public with various information on the work of the Committee of Ministers and the DEJ, notably through the regular publication of the latest news on the supervision of cases and on the activities of the Department. Amongst other things, it includes country and thematic factsheets, interim and final resolutions, annual reports, articles on seminars, round tables, workshops, meetings, and other support activities. There is also a page where applicants can follow the payment of just satisfaction and make contact in the event of problems. A specific information page is available for NHRI/NGO.

Since it was launched in 2016, the site's traffic has doubled in 4 years to reach nearly 75,000 visits in 2020 (+12,000 compared to 2019).

<https://www.coe.int/en/web/execution>



## Social media



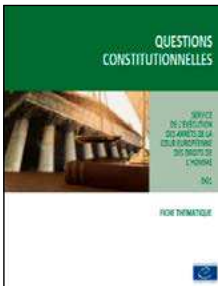
Since the end of 2017, DEJ has its own Twitter account providing targeted information for legal professionals, the media, and the general public. In 2020, the account had nearly 3,000 followers (+1,300 compared to 2019).

The Department publishes the decisions of the cases dealt with at the end of each HR meeting as well as the activities and information related to the execution of judgments.

[https://twitter.com/COE\\_Execution](https://twitter.com/COE_Execution)

## B. Publications

### Thematic factsheets



In 2020, the Department launched a new series of thematic factsheets. They aim to present an overview of selected legislative and case-law developments in member States, following judgments and decisions of the European Court whose execution has been supervised (and concluded) by the Committee of Ministers. As the execution process in pending cases may evidence important progress, some factsheets may also include relevant pending cases.

Five thematic factsheets have already been published on the themes of constitutional matters, effective investigations into deaths or ill-treatment caused by security forces, freedom of religion, the environment and the independence and impartiality of the judicial system.

<https://www.coe.int/en/web/execution/thematic-factsheets>

### Country factsheets



In the country factsheets, the Department presents 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, for each country, the main issues under supervision, the main reforms already adopted and basic statistics. They are updated after each Human Rights (HR) meeting of the Committee of Ministers.

<https://www.coe.int/en/web/execution/country-factsheets>

### Closed cases

In 2020, more than 275 summaries were drawn up and published in the table of closed cases listing, by country, the main progress reported in the final resolutions adopted by the Committee of Ministers.

These summaries of closed cases are also available in the HUDOC-EXEC database.

<https://www.coe.int/en/web/execution/closed-cases>

## Appendix – Glossary

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**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 and / 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).



### 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.



The Committee of Ministers' annual report presents an overview of major developments concerning the execution of judgments and decisions of the European Court of Human Rights. It also provides statistics concerning notably new, pending and closed cases, action plans and reports submitted by respondent States, as well as just satisfaction awarded to applicants.

Despite the difficulties linked to the pandemic, 2020 saw a significant reinforcement of the execution process, through a record number of communications from civil society organisations and national human rights institutions and the first ever submission to the Committee of Ministers of a Rule 9 communication by the Council of Europe Commissioner for Human Rights, swiftly followed by four more.

Notwithstanding, serious challenges continue to be raised in the context of the execution of many cases, in particular those concerning inter-state and other cases related to post-conflict situations and unresolved conflicts, "Article 18" judgments concerning abusive limitations of rights and freedoms and systemic/structural problems, such as ill-treatment or death caused by security forces and ineffective investigations, as well as non-Convention compliant detention conditions.

In order to successfully cope with these challenges, member States' capacity for rapid, full and effective execution of the Court's judgments needs to be strengthened and accompanied by further high-level political commitment as well as support from the Council of Europe.

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[www.coe.int](http://www.coe.int)



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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CONSEIL DE L'EUROPE