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Supervision of the execution of judgments and decisions of the European Court of Human Rights

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I. Foreword by the chairs of the "Human rights" meetings in 2011

Central to the role of the Council of Europe is the maintenance of a common understanding of human rights throughout Europe. This is vital for maintaining a strong democratic process and relations between member states, and for the solution of common problems. Such tasks are even more important in times, as now, of economic stress.

In endorsing the Interlaken process in May 2010, the Committee of Ministers recognised that the contribution of the European Court of Human Rights in these respects was vital. It also noted that prompt and effective execution of the Court's judgments and decisions is essential for the credibility and effectiveness of the Convention system, and that this is important for alleviating the work pressures on the Court.

Chairing the Human Rights meetings of the Committee of Ministers, we have seen several positive developments in 2011.

First, as indicated in the Committee of Ministers' annual report, the number of repetitive cases, that is, those in which the Court has addressed violations similar to ones already established, declined in 2011.[1] This suggests that the measures taken in recent years to ensure more rapid and efficient execution have had some impact.

Capacity within member states for the rapid execution of the Court's judgments has strengthened in line with Committee of Ministers' Recommendation CM/Rec (2008) 2. And the Committee of Ministers' supervision of execution has become more efficient and transparent not least thanks to the adoption of the prioritisation arrangements under the new "twin-track" procedure in place since 1 January 2011. The improved targeted assistance programmes (notably with important HRTF support) and the efficient interaction between the Committee of Ministers and the Court, in particular in the context of pilot judgments, have helped ensure that significant numbers of repetitive applications have been resolved by member states.

Despite the positive indications in the 2011 statistics, the problems facing the Court and the system as a whole are significant, and there remain many important and complex structural problems in the domestic processes of member states. But

1. And this also if unilateral declarations, which do not fall under the Committee of Ministers' supervision competence, are taken into account.

what we have seen while chairing the Human Rights meetings of the Committee of Ministers suggests that the efforts made at various levels have strengthened the dialogue in the execution process. Respondent states are paying greater attention to the effective implementation of the Convention at national level and to the execution of the Court's judgments. And the Committee is striving to play its part by providing the collective guarantee that is essential for the efficient functioning of the Convention system.

From the Chair we have sought to contribute to this new dynamic, notably by organising a number of high-level events designed to promote in depth discussion of present problems and possible solutions. In the wake of the important conclusions of the İzmir and Kyiv conferences we now much look forward to the forthcoming conference in Brighton. This will consider how to improve further the supervision of the execution of the Court's judgments, building on the progress made in 2011.

Ukraine	United Kingdom	Albania
Mr Mykola Tochytskyi	*Ms Eleanor Fuller*	*Ms Margarita Gega*

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

A. Introduction

1. 2011 has been a year of new challenges for the supervision of the execution of the judgments of the Court. The Interlaken and Izmir Conferences invited us to improve the efficiency and transparency of the Committee of Ministers' action. This required first of all the implementation of the new supervision modalities adopted in December 2010.

2. At the outset, I would like to make two positive remarks. The new working methods have shown their worth and have been confirmed by the Ministers' Deputies. In addition, 2011 has seen, for the first time in years, a decrease in the number of repetitive cases.

3. These observations which are a source of satisfaction should, however, not detract our attention from the fact which continues to tarnish the overall picture, namely the continued increase in the number of cases, revealing mainly important structural problems, under Committee of Ministers' supervision for more than five years.

4. Clearly, this situation calls for further important action at different levels. For the Committee of Ministers, this means mainly ensuring that its supervision contributes to rapid and efficient execution of the Court's judgments, including by facilitating, or even encouraging, if necessary, the development of positive synergies, notably through interaction with the Court and other Council of Europe's instances and co-operation and assistance programmes.

5. The new format of the annual report, shorter and more concise, aims at better reflecting the new efforts undertaken, in particular the development of the dialogue between the Committee of Ministers and the national authorities.

B. Positive developments: fewer repetitive cases

6. At the opening of the Court's judicial year in 2012, its President expressed his concern with respect to the problem raised by the 30 000 repetitive cases pending before the Court. Similar concerns have subsequently been voiced by the CDDH in its final report of 15 February 2012 for the Ministerial Conference in Brighton, or-

ganised by the British Chair of the Committee of Ministers (CDDH(2012)R74 Addendum III).

7. As far as the execution process is concerned, the 2011 statistics reveal a number of promising trends. The number of repetitive cases transmitted to the Committee of Ministers in 2011 has decreased for the first time in years.

8. The increased interaction between the Court, the Committee of Ministers and national authorities in the context of the pilot judgment procedures has certainly been one of the primary reasons for this development, even if other factors also come into play, such as the emphasis placed by the Committee of Ministers on effective remedies as part of the examination of general measures and the new priority arrangements adopted by the Court for its case management.

9. All pilot procedures over the last two years have thus inscribed themselves in the context of ongoing execution processes. Most have concentrated on the necessity of putting rapidly in place effective remedies (or other ad hoc solutions for repetitive cases), awaiting the adoption, under the Committee of Ministers' continued supervision, of the reforms apt to solve the complex problems of substance raised (for example the adoption of structural reforms aimed at better guaranteeing the right to a fair trial within a reasonable time or ensuring the diligent execution of domestic judicial decisions).[1]

10. The execution of the pilot judgments which have been rendered following these procedures has been a major priority for the Committee of Ministers' supervision. National authorities have, in general, responded rapidly to the interventions and calls made by the Committee with a view to ensuring that the indications given by the Court are respected. The only exception, to date, is the Yuriy Nikolayevich Ivanov case against Ukraine in which the setting up of the effective remedy called for by the Court did not take place within the time limit prescribed and where the draft law presented by the Government was eventually rejected by Parliament. The Ministers' Deputies expressed their concern about this situation, which creates a serious threat to the effectiveness of the Convention system, and called upon the authorities of the State concerned to adopt urgently the effective remedy required by the pilot judgment.

11. The development of the pilot procedures has enabled many repetitive cases to be sent back to the domestic level. In theory, these procedures could help to solve the problem posed by these cases. That being said, the Court is cautious in using this procedure: 2011 has seen only five final pilot judgments.[2] The fact that no pilot judgment procedure has been initiated with respect to the problem of excessive length of judicial proceedings in Italy is a good illustration of the Court's careful approach

1. See for example *Burdov No. 2 v. Russian Federation*, judgment of 15 January 2009, final on 4 May 2009, §§ 136-141.

2. *Maria Atanasiu v. Romania*, judgment of 12 October 2010, final on 12 January 2011; *Vassilios Athanasiou v. Greece*, judgment of 21 December 2010, final on 21 March 2011; *Greens and M.T. v. the United Kingdom*, judgment of 23 November 2011, final on 11 April 2011; *Dimitrov and Hamanov v. Bulgaria*, judgment of 10 May 2011, final on 10 August 2011, and *Finger v. Bulgaria*, judgment of 10 May 2011, final on 10 August 2011.

when identifying situations fit for such a procedure and its expectations vis-à-vis the Committee of Ministers.

12. Besides the decrease of the number of repetitive cases, the statistics also reveal that the number of pending cases has increased less rapidly than previous years.

C. Persistence of certain important problems

13. These positive developments aside, the Committee of Ministers remains seized of a considerable number of cases raising major problems where execution progresses slowly. As mentioned in the introduction, it is very preoccupying that the number of cases still awaiting the finalisation of the execution process after more than five years has increased once again this year.

14. Even if most of these cases concern important structural problems which cannot realistically be resolved quickly, five years remains too long a period (for example, in case of reforms aimed at ensuring the efficiency of judicial systems hampered by the excessive length of proceedings or by the non-execution of domestic judicial decisions, the improvement of conditions of detention in dilapidated and overcrowded facilities or the implementation of new regulations and practices as regards the action of security forces). The supervision of the execution of the judgments should be able to contribute to a more rapid solution of these problems. This is all the more true given the fact that there are examples of remedial measures in place in other Member states of the Council of Europe, that there are often useful recommendations available through the actions of specialised bodies of our Organisation and that co-operation and assistance programmes may be put in place.

15. On a general level, the existence of these cases highlights the importance of Recommendation (2008)2 "on efficient domestic capacity for rapid execution of judgments of the Court". Developments at domestic level to date in the different areas mentioned in the recommendation have been documented and addressed in the specific conclusions of a multilateral conference in Tirana in December 2011 (see appendix VI to the present report). This work should be continued and further capitalised on.

16. It should be recalled that the mere diminution of the visibility at European level of certain problems which may follow the introduction of domestic remedies and the ensuing absence of new findings of violations by the Court, should not detract from the importance of rapidly finding solutions to the substantive problems. For example, it goes without saying that the introduction of a right to compensation for victims of an inefficient judicial system doesn't solve in any way the fundamental problem that such system represents for the good functioning of democracy and rule of law. Moreover, reforms aimed at getting to grips with a slow and inefficient judicial system appear all the more urgent in times of economic crisis, where the efficient use of public funds is an unavoidable priority.

17. Moreover, even though the cases at issue here and the major structural problems they raise are important from the perspective of the Convention as a constitutional instrument of European public order, they mainly concern situations that have already been the subject of a well-established case-law. In addition (especially

when repetitive cases are added), they absorb the limited resources available to the Court to deal with other fundamental problems, notably related to the intangible rights protected by the Convention, such as the right to life and the prohibition of torture, or to the new issues raised by the rapid developments in society and technology.

D. Development of responses: better prioritarisation, transparency and co-operation

18. In light of these challenges, it's appropriate to update the overview made in the 2009 annual report of the different responses developed.

19. One of the most significant results of the new supervision modalities is the setting up of a prioritarisation system, focusing on pilot judgments and important structural or complex problems. Furthermore, the new modalities have strengthened and stimulated the dialogue between the Committee of Ministers and national authorities. The practice of action plans and reports is now well entrenched. The number of cases examined, as well as the number of states concerned by a specific intervention of the Committee of Ministers has also increased. Moreover, the possibility for civil society to contribute to the process has also been improved, since relevant information is more readily available.

20. These efforts must however be pursued in order to improve the visibility within the states concerned – if necessary, at high political level (government/parliament) – of important cases and highlight the need for their rapid implementation. This has been repeatedly stressed by the Committee of Ministers itself. Aside better publicity, other measures merit consideration, such as the development of high-level contacts, a more systematic presentation of good practices and the increased organisation of fora to allow the authorities to exchange their experiences on difficult issues.

21. In this spirit, 2011 was marked by an increase in the number of co-operation activities organised by the Department for the supervision of execution of Court's judgments. The ordinary budget devoted to these activities, which had remained stable in the last few years at around 90 000 euros, has been considerably strengthened by contributions of the Human Rights Trust Fund (in 2011 around 250 000 euros were dedicated to these activities, as compared to 185 000 euros in 2010). A number of Secretariat's missions allowed for significant progress to be made in the execution of specific cases. Amongst other examples, it is worth mentioning the co-operation with the Moldovan authorities, following the pilot judgment in the Olaru case, as regards the drafting of the legislative amendments required by the judgment. The co-operation was fruitful and the new remedy required was set up within the deadline set by the Court. Two new important projects supported by the Fund were launched at the end of 2011, with a view to enabling other longstanding problems pending before the Committee of Ministers to be resolved: the first, set up at the Secretary General's initiative, relates to freedom of expression in Turkey;[3] the second concerns problems related to provisional detention and effective remedies

3. "Freedom of expression and media/facilitating the execution of Court's judgments".

to complain about detention conditions,[4] and is proposed to the states most affected by these issues.

22. In the light of the importance of the Fund's programmes to assist national execution processes, the announcement by the United Kingdom to join in 2012 the other states contributing to the Fund (Norway, Germany, Netherlands, Finland and Switzerland) is most encouraging.

E. Developing synergies

23. The development of synergies, linked to the continued efforts to improve transparency as well as co-operation and assistance programmes, is of particular relevance to the effectiveness of execution.

24. In this respect, the importance to receive from States real-time information on the development of internal execution processes – or on any obstacles to such development – should be underlined. This would, for example, allow the Court to target its efforts under Article 46 even better, notably as regards the appropriateness of a pilot procedure. The pilot procedure in the case of Burdov No. 2 is an excellent illustration. The Court's decisions to communicate cases which it deems suitable for the pilot procedure could in themselves inspire States and the Committee of Ministers in their action (similar inspiration could be gained from regularly updated information on the number of applications received on certain major structural problems). Also, the participation of representatives from the Court or the Registry to various round-tables devoted to execution issues is a useful complement to the activities organised by the Court itself together with the national authorities on different procedural and jurisprudential themes.

25. Improved transparency and co-ordination could allow a better targeting of the different co-operation programmes organised by the Council of Europe, so as to optimise their contribution to the solution of the important problems of which the Committee of Ministers is seised in the context of its supervision activity. In return, updated information on the development of these programmes could inspire the Committee's action.

26. Other possible synergies could be developed with Council of Europe's bodies such as the Venice Commission, the European Social Rights Committee, the CPT or the CEPEJ. National authorities could be usefully and easily inspired by the conclusions and recommendations of these bodies, in particular when it comes to the general measures to be taken in response to the Court's judgments.

27. In fact, it's a question of using the Organisation's resources to the full to implement judgments as quickly as possible and in the best way possible.

4. "Implementing pilot, 'quasi-pilot' judgments and judgments revealing systemic and structural problems in the field of detention on remand and remedies to challenge detention conditions."

F. Conclusion

28. The results for 2011 are promising. The past year has opened up a number of opportunities, whether as regards the development of direct dialogue between the Committee, the Court and relevant national authorities, or the targeted co-operation programmes aimed at widening the scope for exchange, also including other States' authorities, different Council of Europe's concerned organs, or also synergies with other bodies or organisations.

29. 2012 presents itself with its fair share of challenges in order to strengthen the contribution of execution supervision to the progress of the many important reforms required by the Court's judgments. The significant achievements made in 2011 as well as the continued commitment of the States to move ahead should enable the challenges to be met.

III. The Committee of Ministers' supervision of the execution of judgments and decisions

Scope and new working methods

A. Introduction

1. The efficiency of execution and of the Committee of Ministers' supervision thereof (in general carried out at the level of the Minister's Deputies) have been at the heart of the efforts over the last decade to guarantee the long term efficiency of the Convention system (see also Chapter IV). The Committee of Ministers thus reaffirmed at its 120th session in May 2010, in the pursuit of the Interlaken process started at the Interlaken High Level Conference in February 2010 (see Chapter IV), *"that prompt and effective execution of the judgments and decisions delivered by the Court is essential for the credibility and effectiveness of the Convention system and a determining factor in reducing the pressure on the Court."* The Committee added that *"this requires the joint efforts of member states and the Committee of Ministers".*

2. As a consequence, the Committee of Ministers instructed its Deputies to step up their efforts to make execution supervision more effective and transparent. In line herewith the Deputies adopted new working methods for the supervision process as from 1 January 2011 (see section D below, page 21). The İzmir High Level Conference in April 2011 expressed its expectation that new "standard" and "enhanced" procedures for supervision of the execution of judgments would bear fruit. The importance of preventing repetitive cases was a major theme of the Kyiv Conference in September 2011 on prevention of human rights violations.

3. The above efforts and developments have not changed the main elements of the obligation to abide by the Court's judgment. These have thus largely remained the same: redress must be provided to the individual applicant and further similar violations prevented. Certain developments have, nevertheless taken place. The present problem of repetitive cases has e.g. focused considerable attention on the importance of rapid prevention of new violations and in particular on the necessity of ensuring efficient domestic capacity for this purpose and to rapidly set up effective remedies and other arrangements to care for "repetitive" cases (see below, page 21 ff).

B. Scope of the supervision

4. The main elements of contracting states' undertaking "*to abide by the final judgment of the Court in any case to which they are parties*" are defined in the Committee of Ministers' Rules of Procedure[5] (Rule 6.2). The measures to be taken are of two types.

5. The first type of measures – **individual measures** – concern the applicants. They relate to the obligation to erase the consequences suffered by them because of the violations established so as to achieve, as far as possible, "*restitutio in integrum*".

6. The second type of measures – **general measures** – relate to the obligation to prevent violations similar to that or those found or putting an end to continuing violations. In certain circumstances they may also concern the setting up of remedies to deal with violations already committed (cf. also §33).

7. The obligation to take individual measures and provide redress to the applicant has two aspects. The first is, for the state, to provide the just satisfaction – normally a sum of money – which the Court may have awarded the applicant under Article 41 of the Convention.

8. The second aspect relates to the fact that the consequences of a violation for the applicants are not always adequately remedied by the mere award of a just satisfaction by the Court or the finding of a violation. Depending on the circumstances, the basic obligation of achieving, as far as possible, *restitutio in integrum* may thus require further actions, involving for example the re-opening of unfair criminal proceedings, the destruction of information gathered in breach of the right to privacy, the enforcement of an unenforced domestic judgment or the revocation of a deportation order issued against an alien despite a real risk of torture or other forms of ill-treatment in the country of destination. The Committee of Ministers issued a specific recommendation to member states in 2000 inviting them *"to ensure that there exist at national level adequate possibilities to achieve, as far as possible, "restitutio in integrum"* and, in particular, *"adequate possibilities of re-examination of the case, including reopening of proceedings, in instances where the Court has found a violation of the Convention"* (Recommendation No. R(2000)2)[6].

9. The obligation to take general measures aims at preventing violations similar to the one(s) established and may, depending on the circumstances, imply a review of legislation, regulations and/or judicial practice. Some cases may even involve constitutional changes. In addition, other kinds of measures may be required such as the refurbishing of a prison, increase in the number of judges or prison personnel or improvements of administrative procedures.

10. When examining general measures today, the Committee of Ministers pays particular attention to the efficiency of domestic remedies, in particular where the judg-

5. Currently called, in their 2006 version, "Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements".

6. Cf. Recommendation No. R(2000)2 on the re-examination or reopening of certain cases at domestic level following judgments of the European Court of Human Rights and Explanatory memorandum.

ment reveals[7] important structural problems. The Committee also expects competent authorities to take different interim measures, notably to find solutions to possible other cases pending before the Court[8] and, more generally, to prevent as far as possible new similar violations, pending the adoption of more comprehensive or definitive reforms.

11. These developments are intimately linked with the efforts to ensure that execution supervision contributes to limit the important problem of repetitive cases in line with Recommendations Rec(2004)6 and Rec(2010)3 on domestic remedies and the recent developments of the Court's case-law as regards the requirements of Article 46, notably in different "pilot judgments" adopted to support ongoing execution processes (see Section D below).

12. The direct effect more and more frequently accorded to the judgments of the Court by domestic courts and authorities largely facilitates providing both adequate individual redress and the rapid development of domestic law and practices to prevent similar violations, including by improving the efficiency of domestic remedies. Where execution through such direct effect is not possible, other avenues will have to be pursued, most frequently legislative or regulatory.

13. In addition to the above considerations, the scope of the execution measures required is defined by the Committee of Ministers in each case on the basis of the conclusions of the European Court in its judgment, considered in the light of the Court's case-law and Committee of Ministers practice, and of relevant information about the domestic situation. In certain situations, it may be necessary to await further decisions by the Court clarifying outstanding issues (e.g. decisions declaring new, similar complaints inadmissible as general reforms adopted are found to be effective or decisions concluding that the applicant continues to suffer the violation established or its consequences).

14. As regards the payment of just satisfaction, the execution conditions are usually laid down with considerable detail in the Court's judgments (deadline, recipient, currency, default interest, etc.). Payment may nevertheless raise complex issues, e.g. as regards the validity of powers of attorney, the acceptability of the exchange rate used, the incidence of important devaluations of the currency of payment, the acceptability of seizure or taxation of the sums awarded etc. Existing Committee of Ministers practice on these and other frequent issues is detailed in a Secretariat memorandum (document CM/Inf/DH(2008)7final).

15. As regards the nature and scope of other execution measures, whether individual or general, judgments in general remain silent. These measures have thus, in principle, as has been stressed also by the Court on numerous occasions, to be identified by the state itself under the supervision of the Committee of Ministers. In this respect, national authorities may find guidance *inter alia* in the rich practice of other

7. Whether as a result of the Court's findings in the judgment itself or of other information brought forward during the Committee of Ministers' examination of the case, *inter alia* by the respondent state itself.

8. Measures resorted to include friendly settlements and unilateral declarations (see Committee of Ministers' resolution Res(2002)59 concerning the practice in respect of friendly settlements).

states as developed over the years, and in relevant Committee of Ministers recommendations (see Chapter IV).

16. 16. This situation is explained by the principle of subsidiarity, by virtue of which respondent states have in principle freedom of choice as regards the means to be employed in order to meet their obligations under the Convention. However this freedom goes hand-in-hand with the Committee of Ministers' control so that in the course of its supervision of execution the Committee of Ministers may also, where appropriate, adopt decisions or Interim Resolutions to express satisfaction, concern, encouragement and/or to make suggestions with respect to the execution measures required.

17. 17. The Directorate General of Human Rights and Rule of Law, represented by the Department for the Execution of Judgments and decisions of the European Court[9], assists the Committee of Ministers with the supervision of the measures taken by the states in the execution of the Court's judgments. The states can, in the context of their examination of the necessary execution measures, request different forms of support from the Department (advice, legal expertises, round tables and other targeted cooperation activities).

C. New supervision modalities: a twin-track approach to improve prioritisation and transparency

18. The new modalities for the Committee of Ministers' supervision developed in response to the Interlaken process inscribe themselves in the general framework set by the Rules adopted by the Committee of Ministers in 2006[10].and bring with them important changes of the working methods applied since 2004 in order to increase the efficiency and transparency of the supervision process[11].

19. The new 2011 modalities stress the subsidiary nature of supervision and thus the fundamental role which national authorities, i.e. governments, courts and parliaments must play in defining and securing rapid implementation of necessary execution measures.

9. In so doing the Directorate continues a tradition which has existed ever since the creation of the Convention system. By providing advice based on its knowledge of the practice in the field of execution over the years and of the Convention requirements in general, the Directorate in particular contributes to the consistency and coherence of state practice in execution matters and of the Committee of Ministers' supervision of execution.

10. The currently applicable Rules were adopted on 10/05/2006 (964th meeting of the Ministers' Deputies). On this occasion the Deputies also decided *"bearing in mind their wish that these rules be applicable with immediate effect to the extent that they do not depend on the entry into force of Protocol No. 14 to the European Convention on Human Rights, that these rules shall take effect as from the date of their adoption, as necessary by applying them mutatis mutandis to the existing provisions of the Convention, with the exception of Rules 10 and 11".* As a result of the recent Russian ratification of Protocol No. 14, the rules in their entirety entered into force on 1 June 2010.

11. The documents which explain the reform more in depth are presented on the Committee of Ministers web site and on the web site of the Department for the Execution of Judgments and decisions of the European Court (see notably CM/Inf/DH(2010)37 and CM/Inf/DH(2010)45 final).

20. In order to meet the call for improved efficiency the new modalities provide for a new twin track supervision system allowing the Committee to concentrate on deserving cases under what is called "enhanced supervision". Other cases will be dealt with under "standard supervision". The new modalities thus also give more concrete effect to the existing priority requirement in the Rules (Rule 4).

21. The cases foreseen from the outset for "enhanced supervision" are the following:

- cases requiring urgent individual measures;
- pilot judgments;
- judgments otherwise disclosing major structural and/or complex problems as identified by the Court and/or by the Committee of Ministers;
- interstate cases;

The classification decision is usually taken at the first presentation of the case to the Committee of Ministers. In addition, the Committee of Ministers may decide to examine any case under the enhanced procedure following an initiative of a member state or the Secretariat. The request may be made at any stage of the supervision procedure. Similarly a case under enhanced supervision may subsequently be transferred to standard supervision when the developments of the national execution process no longer warrant enhanced supervision.

22. The new 2011 modalities continue to be based on the rule that all *new cases are inscribed without delay* on the Committee of Ministers' agenda and that supervision mainly takes place at the Committee of Ministers' special Human Rights meetings (Rules 2 and 3).

23. They introduce, however, a *more continuous supervision* of the execution process. Indeed, all cases shall henceforth be considered inscribed on the agenda of all Human Rights meetings (Rule 7). This allows the Committee of Ministers to respond more easily and rapidly to different national developments and encourages improved information exchanges and consultations between States and the Department for the Execution of Judgments and decisions of the European Court.

24. The new modalities also confirm the development that the Committee of Minister's supervision is to be based on *action plans or action reports* prepared by competent state authorities[12]. The action plans/reports present and explain the measures planned or taken in response to the violation(s) established by the European Court and should be submitted as soon as possible and in any event not later than 6 months after a judgment or decision has become final.

25. In response to the call for increased transparency, the Committee of Ministers has decided that such plans and reports, together with other relevant information provided *will be promptly, made public (…) except where a motivated request for confidentiality is made at the time of submitting the information*, in which case it may be necessary to await the next Human Rights meeting to allow the Committee to decide the matter (see Rule 8 and decision taken at the 1100th Human Rights meet-

12. This system was partially put in place already in June 2009 as the Committee of Ministers formally invited States to henceforth provide, within six months of a judgment becoming final, an action plan or an action report as defined in document CM/Inf/DH(2009)29rev.

ing, item "e"). The information received is in principle published on the web. This rule allows national parliaments, different state authorities, lawyers, representatives of civil society, national human rights institutions, applicants and other interested to follow closely the development of the execution process in the different cases pending before the Committee.

26. NGO's, national human rights institutions and applicants also have the possibility of lodging submissions to the Committee of Ministers regarding the execution process. Applicants submissions should in principle be limited to matters relating to the payment of just satisfaction and to possible individual measures (Rule 9).

27. Under the *"standard supervision" procedure*, intervention by the Committee of Ministers is limited. Such intervention is foreseen only in order to confirm, when the case is first put on the agenda, that it is to be dealt with under this procedure, and subsequently to take formal note of action plans/reports. Developments are, however, closely followed by the Department for Execution of Judgments and decisions of the European Court, which ensures that all information is rapidly circulated to the Committee and that public information is published on the web. The Committee of Ministers can, thus rapidly intervene in case of need in order transfer the case to the *"enhanced supervision" procedure* and define appropriate responses to intervening developments.

28. Under the *"enhanced supervision" procedure*, the progress of execution is regularly followed by the Committee of Ministers at its Human Rights meetings in order to allow appropriate actions, e.g. in the form of specific decisions/interim resolutions expressing satisfaction, encouragement or concern, and/or providing suggestions and recommendations as to appropriate execution measures (Rule 17). Committee of Ministers interventions may, in addition, depending on the circumstances, take other forms, such as declarations by the Chair, press releases or high-level meetings. It is important that adopted texts are translated into the language(s) of the state concerned and receive adequate dissemination (see Recommendation CM/Rec(2008)2).

29. As regards the *payment of just satisfaction*, supervision has been simplified under the 2011 working methods and greater stress has been laid on applicants' responsibility to inform the Committee of Ministers in case of problems. Applicants are thus informed in the letters accompanying the judgments from the Court that *it is henceforth their responsibility to rapidly react to any apparent shortcoming* in the payment by submitting complaints to the Department for the Execution of Judgments and decisions of the European Court. If no complaint has been received within two months from the date the payment information provided by the government has been published on the website of the Department for the Execution of Judgments and decisions of the European Court (www.coe.int/execution), the payment issue is considered closed. It is recalled that state and Committee of Ministers practices as regards payment of just satisfaction are presented in a memorandum on the website.

30. Once the Committee of Ministers has received a final action report indicating that the government concerned considers that *all necessary execution measures have been taken*, a six month period starts to run, within which other states or the

secretariat are expected to submit possible comments with respect to the question of closure. The question of closure will thereafter be examined in the light of the action reports submitted and possible comments received. Supervision is terminated through the adoption of a *final resolution* (Rule 17).

31. When adopting those new supervision modalities, the Committee of Ministers indicated that these would be evaluated at the DH December meeting in 2011. The evaluation has been positive and the Committee of Ministers has thus decided *to continue to apply these new modalities* (decision adopted at the 1128th Human Rights meeting, item "b").

D. Increased interaction between the Court and the Committee of Ministers

32. The Court's interaction with the Committee of Ministers in the application of Article 46 is in constant evolution. Since a number of years the Court has thus more and more frequently started to assist the execution process in a number of ways, e.g. by providing also itself guidance as to relevant execution measures in its judgments.

33. The Court today provides such recommendations in respect of individual measures in a growing number of cases. It may also, in certain circumstances, where the State does not have any real choice as to the execution measures required, directly itself order the taking of the relevant measure. For example in case of arbitrary detention, *restitutio in integrum* will necessarily require, among other things, release from detention and in several cases the Court has also ordered such release[13]. Moreover, in the context of general measures, notably in the "pilot" judgment procedure, the Court also frequently examines more in detail the causes of structural problems and, if appropriate, provides certain recommendations or more precise indications as to general measures (see Rule 61 of the Rules of Court). The Court has, furthermore, on several occasions used the "pilot" judgment procedure[14] to support more complex execution processes generating important risks of repetitive cases in order to emphasise the obligation to rapidly set up effective domestic remedies and to find solutions for already pending cases. In this context it has frequently fixed specific time limits for the adoption of necessary measures[15].

34. The Committee of Ministers' new prioritisation efforts and the development of the Court's practices, in particular as regards "pilot" judgment procedures, appear to make it possible to limit significantly the number of repetitive cases linked to important structural problems (especially where pilot judgment procedures are combined with the "freezing" of the examination of all similar pending applications).

13. See *Assanidze v. Georgia*, judgment of 08/04/2004, *Ilascu v. Moldova and the Russian Federation*, judgment of 13/05/2005 and *Fatullayev v. Azerbaijan*, judgment of 22/04/2010.

14. See for instance *Broniowski v. Poland* (application No. 31443/96; Grand Chamber judgment of 22/06/2004 – pilot judgment procedure brought to an end on 06/10/2008); *Hutten-Czapska v. Poland* (application no. 35014/97, Grand Chamber judgment of 19/06/2006 and Grand Chamber friendly settlement of 28/04/2008).

15. See e.g. *Burdov No. 2 v. Russian Federation*, judgment of 15/01/2009 ; *Olaru v. Moldova*, judgment of 28/07/2009 and *Yuriy Nikolayevich Ivanov v. Ukraine*, judgment of 15/10/2009.

E. Friendly settlements

35. The supervision of the respect of undertakings made by states in friendly settlements accepted by the European Court follows in principle the same procedure as the one outlined above.

IV. Improving the execution process: a permanent reform work

A. Guaranteeing long-term effectiveness: main trends

1. The main developments affecting the European Convention on Human Rights (the Convention), leading to the present system, put in place by Protocol No. 11 in 1998, have been briefly described in previous annual reports.

2. The increasing pressure on the Convention system has, however, led to further efforts to ensure the long-term effectiveness of the system. The starting point for these new efforts was the Ministerial Conference in Rome in November 2000 which celebrated the 50th anniversary of the Convention. The three main avenues followed since then have been to improve:

- the efficiency of the procedures before the European Court of Human Rights (the Court);
- the domestic implementation of the Convention in general;
- the execution of the Court's judgments.

3. The importance of these three lines of action has been regularly emphasised at ministerial meetings and also at the Council of Europe's 3rd Summit in Warsaw in 2005 and in the ensuing plan of action. A big part of the implementing work was entrusted to the Steering Committee on Human Rights (CDDH). Since 2000 the CDDH has presented a number of different proposals. These in particular led the Committee of Ministers to:

- adopt seven recommendations to states on various measures to improve the national implementation of the Convention,[16] including in the context of execution of judgments of the Court;[17]

- adopt Protocol No. 14,[18] thereby both improving the procedures before the Court and providing the Committee of Ministers with certain new powers for the supervision of execution (in particular the possibility to lodge with the Court requests for the interpretation of judgments and to bring infringement proceedings in case of refusal to abide by a judgment) ;
- adopt new rules for the supervision of the execution of judgments and of the terms of friendly settlements (adopted in 2000, with further important amendments in 2006) in parallel with the development of new Committee of Ministers' working methods.
- reinforce subsidiarity by inviting states, in 2009, to submit (at the latest six months after a certain judgment has become final) action plans and/or action reports (covering both individual and general measures), today regularly required in the context of the new 2011 supervision modalities agreed.

4. Relevant texts are published on the Department for the Execution of Judgments and decisions of the Court's web site. Further details with respect to the developments of the Rules and working methods are found in Chapter III and also in previous Annual reports.

16. Recommendation No. R(2000)2 on the re-examination or reopening of certain cases at domestic level following judgments of the European Court of Human Rights*;*

– Recommendation Rec(2002)13 on the publication and dissemination in the member states of the text of the European Convention on Human Rights and of the case-law of the European Court of Human Rights;

– Recommendation Rec(2004)4 on the European Convention on Human Rights in university education and professional training;

– Recommendation Rec(2004)5 on the verification of the compatibility of draft laws, existing laws and administrative practice with the standards laid down in the European Convention on Human Rights;

– Recommendation Rec(2004)6 on the improvement of domestic remedies.

The status of implementation of these five recommendations has been evaluated with the assistance of the CDDH. Civil society was invited to assist the governmental experts in this evaluation (see doc. CDDH (2006) 008 Add.1). A certain follow-up also takes place in the context of the supervision of the execution of the Court's judgments. Subsequently the Committee of Ministers has adopted specific recommendations regarding the improvement of execution:

– Recommendation CM/Rec(2008)2 on efficient domestic capacity for rapid execution of judgments of the European Court of Human Rights;

– Recommendation CM/Rec(2010)3 on effective remedies for excessive length of proceedings – adopted on 24 February 2010

In addition to these recommendations to member states, the Committee of Ministers has also adopted a number of resolutions addressed to the Court:

– Resolution Res(2002)58 on the publication and dissemination of the case-law of the European Court of Human Rights;

– Resolution Res(2002)59 concerning the practice in respect of friendly settlements; Resolution Res (2004) 3 on judgments revealing an underlying systemic problem.

17. The implementation of the first five recommendations was subject to special follow-up, including civil society. The results were published by CDDH in April 2006 in document CDDH (2006) 008. The results of an additional follow-up, in response to the Committee of Ministers' 116th meeting in May 2006 (CM (2006) 39), were published by the CDDH in 2008 in document CDDH(2008)08, Addendum 1. The follow-up given to the last two recommendations is described in this report.

18. This protocol, now ratified by all contracting parties to the Convention, entered into force on 1 June 2010.

B. Protocol No. 14 in force since 1 June 2010

5. Protocol No. 14 is part of the reforms aimed at guaranteeing the long term effectiveness of the system set up. The other main part of the reforms relates to the measures aimed at improving the domestic implementation of the Convention, notably through a number of recommendations to the member states.

6. The new protocol introduces a number of changes affecting both the Court and the Committee of Ministers. The basic provisions governing the supervision by the Committee of Ministers of execution are now two: Article 46 which provides for the supervision of the judgments of the Court and Article 39 which provides for the supervision of the terms of friendly settlements.

7. An outline of the major consequences of the entry into force of Protocol No. 14 for the Committee of Ministers is found in Memorandum DH-DD(2010)278. In short, a first reform has been to extend the Committee of Ministers' supervision to all friendly settlements (earlier the Committee only supervised those enshrined in judgments, i.e. adopted after an admissibility decision had been rendered). A second one has been to allow the Committee of Ministers to refer to the Court a question relating to the interpretation of a judgment in case the Committee considers that execution supervision is hindered by the problem. A third has been the introduction of a possibility for the Committee of Ministers, in exceptional circumstances, to refer to the Court also cases where the Committee considers that a state refuses to abide by a final judgment in a case to which it is a party, to have a decision from the Court on the question whether the state has failed to fulfil its obligation to abide by the judgment.

C. The Interlaken process – İzmir and Brighton

8. The above efforts to guarantee the long-term effectiveness of the system received an important impetus as a result of the High Level Conference in Interlaken on the future of the Court, organised by the Swiss Chair of the Committee of Ministers in February 2010.

9. At this conference, the participants adopted an action plan whereby they notably stressed the urgent need for the Committee of Ministers to:

- develop the means which will render its supervision of the execution of the Court's judgments more effective and transparent. In this regard, they invited the Committee of Ministers to strengthen this supervision by giving increased priority and visibility not only to cases requiring urgent individual measures, but also to cases disclosing major structural problems, attaching particular importance to the need to establish effective domestic remedies;
- review its working methods and its rules to ensure that they are better adapted to present-day realities and more effective for dealing with the variety of questions that arise.

10. At its 120th session, in May 2010, the Committee of Ministers endorsed the Interlaken Declaration and Action Plan and expressed its determination to implement the Interlaken outcome in a timely manner. Underlining the importance of prompt

and effective execution for the credibility of the Convention system and in order to alleviate the pressure on the Court, the Committee accordingly, *inter alia*, called upon its Deputies to improve the efficiency and transparency of execution supervision (see also above, Chapter III, page 15).

11. The new reform process set in motion covers a number of areas, also linked to the entry into force of Protocol No. 14: the right to individual petition; the implementation of the Convention at domestic level (including notably awareness raising, effective remedies, the implementation of the different recommendations adopted by the Committee of Ministers and co-ordination of other mechanisms, activities and programmes of the Council of Europe), the filtering of applications to the Court; the handling of repetitive applications by the States (including the facilitation of friendly settlements and unilateral declarations, good co-operation with the Committee of Ministers in order rapidly to adopt the general measures required and, the Committee of Ministers bringing about a cooperative approach including all relevant parts of the Council of Europe); the functioning of the Court (notably the pursuit of the policy of identifying priorities for the dealing with cases and of identifying structural problems in the judgments); the supervision of the execution of judgments (making supervision more effective and transparent) and the possibilities of simplified procedures for amending the Convention. Many of the above themes are interlinked.

12. Among the first results of the process launched was the Minister's Deputies' adoption in December 2010 of new working methods as from 1 January 2011 fixing new modalities for the supervision of the Court's judgments, notably resting on a new twin-track system for the prioritisation of cases, in particular judgments revealing important structural problems and in particular pilot judgments - see Chapter III. The documents at the basis of the reform are available on the Committee of Ministers web site and on the web site of the Department for the Execution of Judgments and decisions of the Court (see notably CM/Inf/DH(2010)37 and CM/Inf/DH(2010)45 final). Further details about the new modalities are given in Section III above.

13. In parallel, the CDDH presented in December 2010 its final report "on measures that result from the Interlaken Declaration that do not require amendment of the Convention" . Among these figured the possibility of extending execution supervision also to cases closed by the Court with decisions on the basis of unilateral declarations by the government of the respondent state. An interim activity report was adopted in April 2011 addressing issues requiring amendments to the Convention. The different proposals dealt with in the report relate to the possibility of filtering applications, the Court's handling of repetitive applications, the introduction of fees for applicants, the introduction of a simplified procedure for amending certain provisions of the Convention and allowing the Court to render advisory opinions. A final report on the question of measures which may require amendments to the Convention was adopted in February 2012.

14. In April 2011, the Turkish Chairmanship of the Committee of Ministers organised a High Level Conference in Izmir to review the progress made in the Interlaken process. The Conference adopted a Follow-up Plan several elements of which relate

to the execution of the judgments of the Court. The Conference thus reiterated the invitation to States Parties to co-operate fully with the Committee of Ministers in the framework of the new modalities of supervision of execution of judgments of the Court. In this context it also invited them to consider contributing to the Human Rights Trust Fund. The Conference further invited States to give priority to the resolution of repetitive cases by way of friendly settlements or unilateral declarations where appropriate and welcomed the new Rule 61 of the Rules of the Court adopted by the Court on the pilot-judgment procedure. The Conference expressed its expectation that that new standard and enhanced procedures for supervision of the execution of judgments would bear fruit. It also reiterated the calls made by the Interlaken Conference concerning the importance of execution of judgments, invited the Committee of Ministers to apply fully the principle of subsidiarity and underlined the requirement to carry out supervision only on the basis of a legal analysis of the Court's judgments.

15. On a more general level, the Conference invited the states to ensure that the programmes for professional training of judges, prosecutors and other law-enforcement officials as well as members of security forces contain adequate information regarding the well-established case-law of the Court concerning their respective professional fields.

16. At the Human Rights meeting in December 2011, the Deputies took stock of the implementation of the new modalities for the supervision process and, given the positive results reached, decided to confirm the application of these modalities (cf also Chapter III above and Appendix 1 statistics).

17. The United Kingdom Chair of the Committee of Ministers will be continuing the "Interlaken process" through a ministerial conference in Brighton in April 2012. The CDDH's contribution to this conference was adopted in February 2012.[19]

D. Specific issues

18. In the course of the work on the reform of the Convention system, the issue of slowness and negligence in execution has attracted special attention.[20] The Committee of Ministers has also developed its responses to such situations, in particular by developing its practices as regards interim resolutions and detailed decisions supporting the pursuit of reforms or setting out the Committee of Ministers' concerns. The Committee has furthermore, in line, *inter alia w*ith a number of proposals from the CDDH,[21] taken or supported a number of preventive measures to ensure, to the extent possible, that such situations do not occur.

19. See Addendum III to the CDDH's report of its 74th meeting (February 2012), CCDH (2012) R74 Addendum III.

20. In the context of this work the Secretariat has also presented several memoranda on the issue. See notably CM/Inf (2003) 37, CM/Inf/DH (2006) 18, CDDH (2008) 14 Addendum II.

21. See, for example, the CDDH proposals in the above-mentioned document CDDH (2006) 008. The CDDH has also more recently presented additional proposals – see document CDDH (2008) 014 relating notably to action plans and action reports.

19. In this latter context, the Committee of Ministers has since 2006 provided special support for the further development of special targeted co-operation activities for the execution of judgments of the Court (comprising for example legal expertise, round tables and training programmes) to assist respondent states in their efforts to adopt rapidly the measures required by the Court's judgments. On a more general level, national officials from different countries regularly come to Strasbourg for study visits, seminars or other events where the work of the Committee of Ministers on execution supervision is presented and specific execution problems are discussed.

20. A special mention should also be made of the Committee of Ministers' recommendation – Recommendation CM/Rec(2008)2 – to the member states on efficient domestic capacity for rapid execution of judgments of the European Court of Human Rights which has continued to be – together with the other recommendations cited above adopted by the Committee – an important element of the its supervision and a constant source of inspiration in the bilateral relations established between different national authorities and the Department for the execution of judgments and decisions of the European Court of Human Rights. Important positive developments in the different areas covered by this recommendation were noted at the multilateral conference organised in Tirana in December 2011(see further below under D). The conclusions are available on the website of the Department of the Execution of judgments and decisions of the Court.

E. The Human Rights Trust Fund

21. Targeted co-operation activities to assist ongoing execution processes have been strongly supported by the Human Rights Trust Fund set up in 2008 by the Council of Europe, the Council of Europe Development Bank and Norway, with contributions from Germany, the Netherlands, Finland, Switzerland and, more recently, the United Kingdom. The fund supports in particular activities that aim to strengthen the sustainability of the European Court of Human Rights in the different areas covered by the Committee of Ministers' seven recommendations regarding the improvement of the national implementation of the European Convention on Human Rights, and to ensure the full and timely national execution of the judgments of the European Court of Human Rights.

22. The first execution projects, which started in 2009, also include experience sharing between states in certain areas of special interest started in 2009 : non-execution of domestic court decisions (HRTF 1) and actions of security forces (HRTF 2). The HRTF 1 aims at supporting the beneficiary countries' efforts to design and adopt effective norms and procedures at national level for a better enforcement of national court's judgments. The project has been implemented in Albania, Azerbaijan, Bosnia and Herzegovina, the Republic of Moldova, Serbia and Ukraine. The HRTF 2 project aims at contributing to the execution of judgments of the European Court of Human Rights finding violations of the Convention concerning actions of security forces in the Chechen Republic (Russian Federation).

23. Activities within the projects developed in 2010, including notably the organisation in Strasbourg of a big round table *"Effective remedies against non-execution*

or delayed execution of domestic court decisions". Developments continued in 2011, including notably two major events. A first held in Bucharest in February related mainly to the problems inherent in restitution/compensation for properties nationalised by former communist regimes and a second in Tirana in December related to the development of effective domestic capacity to ensure the rapid execution of the judgments of the European Court, a particularly important problem when structural shortcomings such as non-execution of domestic court judgments are revealed by the Court's judgments. A special presentation of the Fund's projects has been developed on the web site of the Department. Further information regarding these projects is available on the website of the Department of the Execution of Judgments and decisions of the Court.

24. Further projects are being developed, notably one with the Turkish authorities regarding freedom of expression (HRTF 22) and another, multi-lateral, relating to detention on remand and effective remedies to challenge detention conditions (HRTF 18). The HRTF 22 project aims at enhancing the implementation of the Convention in the field of freedom of expression and media. In particular, it is expected that the project will contribute to change the practice of domestic courts, in particular of the Court of Cassation, in the interpretation of Turkish law in line with the Convention requirements concerning freedom of expression and to prepare the ground to ensure legislative changes in order to align Turkish law with the Convention standards. The HRTF 18 will enable the beneficiary states to share good practice in the areas concerned by the project which will be instrumental for the execution of the Court's judgments at domestic level.

F. Preventing Human Rights violations – Kyiv conference

25. The Ukrainian Chairmanship of the Committee of Ministers also organised a number of events on important Convention issues of relevance for the execution of judgments. One conference organised with the Directorate General of Human Rights and the Rule of Law dealt with the necessity of reinforcing means and machineries helping States to identify and prevent human rights violations. Another, organised with the Venice Commission, related to the protection of Human Rights by constitutional justice authorities and the possibilities and problems of individual access to these authorities. Both conferences were held in Kiev in September 2011.

Appendix 1: Statistics 2011

Introduction

The data presented in this appendix are those of the calendar year, from 1 January to 31 December, and are based on the internal database of the Department for the Execution of Judgments of the European Court of Human Rights.

Cases referred to the Committee of Ministers can be classified into three categories: leading, repetitive and isolated cases.

Leading cases are, for the purposes of the execution of supervision, cases which have been identified – either by the Court already in its judgment or by the Committee of Ministers – as revealing a new structural/general problem in a respondent state and which thus require the adoption of new general measures (although these may already have been taken by the time the judgment is given), more or less important according to the case(s). Leading cases include *a fortiori* "pilot" judgments delivered by the European Court of Human Rights.

Other cases include mainly "repetitive" cases, i.e. those relating to a structural or general problem already raised before the Committee of Ministers in one or several leading cases; these cases are usually grouped together – with the leading case as long as this is pending – for the purposes of the Committee's examination. Other cases also include the so-called "isolated" cases. These are, in particular, cases where the violations are closely linked to the specific circumstances of the case.

In order to allow for a better identification of repetitive cases, "isolated" cases have been grouped together with leading cases in the 2011 data. In most of the states these cases are not frequent and this change thus does not affect the comparability of statistics 2010-2011.

The number of leading cases reflects that of structural problems dealt with by the Committee of Ministers, regardless of the number of single cases. Three elements should, however, be kept in mind:

- The distinction between leading and isolated cases can be difficult to establish when the case is examined for the first time. It can thus happen that a case initially qualified as "isolated" is subsequently re-qualified as "leading" in the light of new information attesting to the existence of a general problem.
- Leading cases have different levels of importance. While some of them imply important and complex reforms, others might refer to problems already solved or to specific sub-aspects of a more important problem already under consideration, and yet others can be solved by a simple change of case-law or adminis-

trative practice. Cases raising complex or important problems are, in principle, examined under the enhanced supervision procedure.

- Leading cases refer to the general measures and do not, normally, take into account individual measures issues.

Friendly settlements are included in one of the above-mentioned groups of cases depending on the nature of the undertakings agreed and on the specific character of the situation at issue.

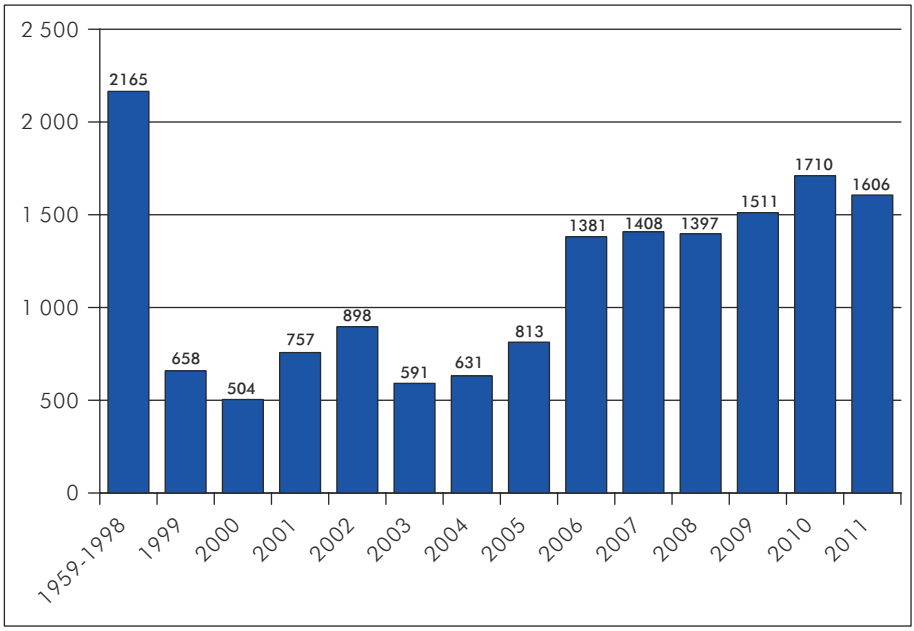
It should be noted that, as from the entry into force of Protocol No. 14 on 1 June 2010, the new cases include decisions acknowledging friendly settlements concluded under Article 39 §4 of the European Convention on Human Rights as well as judgments rendered by committees of three judges under Article 28 (1) b.

In addition, certain decisions striking out cases from the Court's list as part of a pilot procedure may involve the Committee of Ministers' supervision of the respect for the undertakings contained therein if the European Court of Human Rights has transmitted the case to the Committee of Ministers for such supervision.

A. Overview of developments in the number of cases from 1959 to 2011

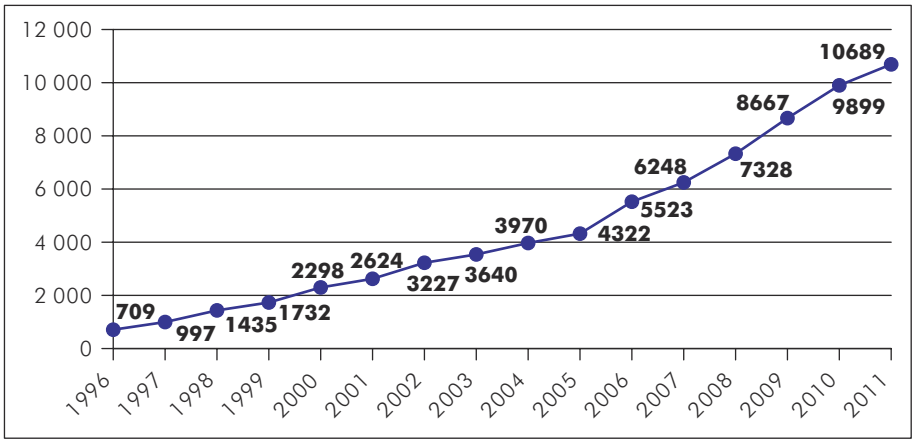
The data presented include (as far as figures 1 and 2 are concerned and pending cases) also cases decided by the Committee of Ministers itself under former Article 32 of the Convention (this competence disappeared in connection with the entry into force of Protocol No. 11 in 1998, but a number of such cases remain pending).[22]

Figure 1. Development in the number of new cases that became final from 1959 to 2011



22. Mainly Italian excessive length of procedure cases.

Figure 2. Development in the number of new cases pending at the end of the year, from 1996 until 2011

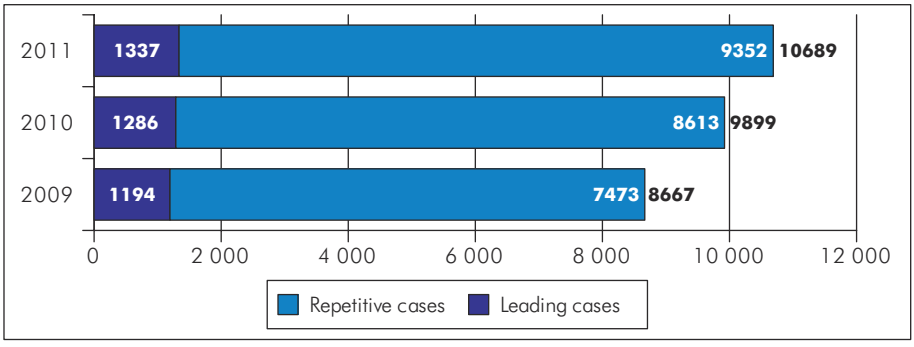


B. General statistics

B.1. Pending cases

The statistics reveal that the number of pending cases has increased in 2011 less quickly than in the previous years. The total number of cases pending at 31 December 2011 has thus only increased by some 8% as compared to 2010, whereas the increase was 14% from 2009 to 2010 and 18% from 2008 to 2009 (see below, Figure 3).

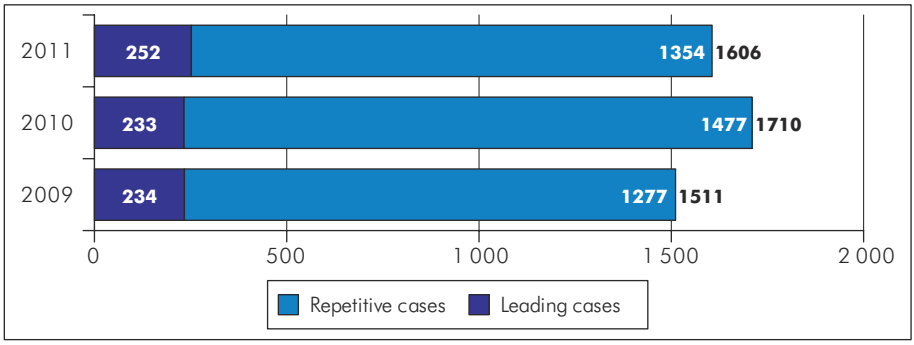
Figure 3. Evolution of pending cases at 31 December 2011



B.2. New cases

The number of new cases for execution supervision has been marked by an important decrease for the first time in ten years, decreasing by some 6%. The trend is similar if available information concerning unilateral declarations is added.[23]

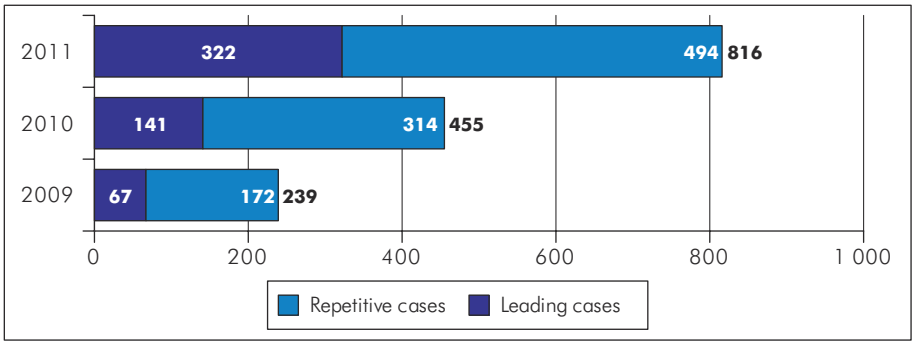
Figure 4. New cases which became final between 1 January and 31 December



B.3. Cases closed

The number of cases closed by a final resolution in 2011 increased by almost 80% as compared to 2010 (see Figure 5 below) continuing the positive trend 2009-2010. Of particular interest is the number of leading cases closed, which in 2011 was again more than the double of the preceding year, with an increase of 128%. Between 2010 and 2009 the increase was 107%. The backlog of cases awaiting a final resolution has now been reduced.

Figure 5. Cases closed by the adoption of a final resolution



23. The execution of undertakings contained in unilateral declarations does not fall under the Committee of Ministers' supervision competence. That being said, unilateral declarations are, together with friendly settlements, one of the main avenues for handling repetitive cases. When assessing the total number of such cases, account should thus also be taken of unilateral declarations. Available information indicates that a total of 197 decisions based on such declarations were taken in 2010, against 167 in 2011 (data taken from HUDOC).

C. Detailed statistics by state for 2011

C.1. Development of case load, by state

Table 1 presents the total number of cases and specifies the number of "leading cases", i.e. mainly cases raising structural problems.[24]

Certain additional statistics can be found in Table 3 on page 46.

24. The figure for 2011 also includes isolated cases.

Table 1. Development of case load, by state

State	New cases				Final resolutions [i]				Pending cases				Just satisfaction	
	Total number of cases		… of which leading cases [ii]		Total number of cases		… of which leading cases [ii]		Total number of cases		… of which leading cases [ii]		Total awarded (euros)	
	2010	2011	2010	2011	2010	2011	2010	2011	2010 [iii]	2011	2010 [iii]	2011	2010	2011
Albania	6	5	3	1	0	2	0	2	22	25	14	16	95 850	1 914 200
Andorra	0	0	0	0	0	2	0	1	2	0	1	0	0	0
Armenia	8	1	4	1	0	4	0	4	23	20	12	9	30 945	53 045
Austria	17	10	6	4	9	42	5	10	80	48	20	21	117 500	79 493
Azerbaijan	15	14	8	3	0	0	0	0	31	45	21	24	334 602	310 650
Belgium	4	4	2	2	7	28	4	5	77	53	20	22	49 173	46 269
Bosnia and Herzegovina	5	6	3	4	0	4	0	3	15	17	10	11	215 929	124 600
Bulgaria	85	62	20	23	16	20	2	9	302	344	98	116	1 032 581	731 302
Croatia	24	31	9	11	0	21	0	9	100	110	34	42	186 098	190 543
Cyprus	4	1	3	1	2	4	2	3	36	33	10	8	59 650	3 200
Czech Republic	5	29	3	7	8	19	0	8	99	109	20	20	88 647	276 396
Denmark	0	1	0	1	0	6	0	5	9	4	4	3	0	21 000
Estonia	3	2	1	0	6	3	3	0	5	4	3	3	7 208	8 000
Finland	31	8	3	0	4	15	2	8	90	83	22	16	369 586	105 114
France	24	34	7	21	94	60	29	23	101	75	46	46	310 356	2 183 236
Georgia	6	4	5	4	2	11	2	9	29	22	23	19	55 289	69 435
Germany	37	29	5	5	4	17	2	7	76	88	19	14	423 733	348 922
Greece	62	79	7	10	23	21	7	9	384	442	55	63	3 745 767	7 061 189

Table 1. Development of case load, by state

State	New cases				Final resolutions [i]				Pending cases				Just satisfaction	
	Total number of cases		… of which leading cases [ii]		Total number of cases		… of which leading cases [ii]		Total number of cases		… of which leading cases [ii]		Total awarded (euros)	
	2010	2011	2010	2011	2010	2011	2010	2011	2010 [iii]	2011	2010 [iii]	2011	2010	2011
Hungary	32	80	2	12	1	10	1	5	190	260	17	25	347 540	1 143 510
Iceland	1	0	1	0	0	1	0	1	5	4	5	4	29 000	0
Ireland	2	4	1	0	0	4	0	1	7	7	3	3	30 500	38 800
Italy	45	58	5	10	56	43	16	13	2507	2522	59	59	6 074 151	8 414 745
Latvia	2	12	1	3	1	7	1	1	23	28	10	18	5 000	101 364
Liechtenstein	1	0	0	0	0	1	0	1	1	0	0	0	8 000	0
Lithuania	8	9	2	3	4	17	0	8	34	26	15	10	33 590	42 995
Luxembourg	4	1	0	0	1	8	1	5	23	16	10	5	45 300	0
Malta	4	3	3	2	1	3	0	3	17	17	12	12	144 500	170 500
Republic of Moldova	40	41	12	3	5	5	2	0	166	202	53	59	713 537	221 291
Monaco	0	0	0	0	0	1	0	1	1	0	1	0	0	0
Montenegro	2	2	2	2	0	1	0	1	3	4	3	4	11 500	2 400
Netherlands	3	5	2	2	20	3	12	2	11	13	8	8	48 418	8 340
Norway	0	1	0	0	1	5	1	4	5	1	4	0	0	0
Poland	148	211	14	6	5	58	1	31	771	924	90	72	1 164 847	803 223
Portugal	28	38	4	2	8	12	2	9	87	113	17	12	4 978 194	3 618 619
Romania	156	84	16	12	32	80	3	25	632	636	97	88	7 443 189	1 765 401
Russian Federation	222	143	13	16	0	7	0	6	951	1087	92	134	7 409 391	8 727 199

Table 1. Development of case load, by state

State	New cases				Final resolutions [i]				Pending cases				Just satisfaction	
	Total number of cases		… of which leading cases [ii]		Total number of cases		… of which leading cases [ii]		Total number of cases		… of which leading cases [ii]		Total awarded (euros)	
	2010	2011	2010	2011	2010	2011	2010	2011	2010 [iii]	2011	2010 [iii]	2011	2010	2011
San Marino	2	1	0	0	0	1	0	1	4	4	2	1	20 500	0
Serbia	29	52	3	4	0	15	0	1	58	95	15	18	138 100	0
Slovak Republic	63	58	1	11	5	29	2	18	162	191	30	20	324 839	425 363
Slovenia	7	7	1	1	0	0	0	0	221	228	7	9	41 766	36 830
Spain	10	7	6	4	2	5	2	4	25	27	13	15	136 411	331 000
Sweden	3	1	2	1	4	4	2	2	9	6	6	6	55 705	5 500
Switzerland	6	4	4	4	2	17	2	9	23	10	14	10	40 878	50 052
"The former Yugoslav Republic of Macedonia"	42	35	7	2	0	14	0	1	86	107	16	18	215 975	165 084
Turkey	352	254	15	20	54	119	8	19	1647	1780	148	164	24 541 838	30 887 568
Ukraine	145	156	15	25	2	19	2	2	682	819	62	85	2 535 894	948 571
United Kingdom	17	19	12	9	76	48	25	33	67	40	45	25	371 160	454 457
Total	**1710**	**1606**	**233**	**252**	**455**	**816**	**141**	**322**	**9899**	**10689**	**1286**	**1337**	**64 032 637**	**71 889 407**

i. This column includes also cases which at the end of 2010 were awaiting a final resolution.

ii. The figure for 2011 also includes isolated cases.

iii. The number for 2010 differs slightly from the one published in the Annual Report of 2010 where it notably included a certain number of unilateral declarations transmitted by the Court to the Committee of Ministers in the context of pilot judgment procedures. For 2011 these cases, which do not formally relate to the competence of the Committee of Ministers, have been excluded.

C.2. Main cases or groups of pending cases before the Committee of Ministers involving important structural or complex problems[25]

Table 2. Main cases or groups of pending cases before the Committee of Ministers involving important structural or complex problems (by state at 31 December 2011 – for practical reasons a maximum of 5 groups are presented by state)

State	Main cases	Application number (first case)	Number of cases concerned	Case description
Albania	Driza group	33771/02	11	Various structural problems linked to the restitution of properties nationalised under former communist regimes.
	Caka group	44023/02	4	Unfair criminal proceedings.
	Dybeku/Grori	41153/06	2	Poor detention conditions in prison and unlawful detention.
Armenia	Minasyan and Semerjyan group	27651/05	3	Unlawful expropriations or termination of leases.
	Kirakosyan group	31237/03	4	Degrading treatment on account of bad detention conditions in detention centres used in cases of administrative offences.
Azerbaijan	Mirzayev/ Tarverdiyev/ Humbatov group	50187/06	9	Non-execution of final judicial decisions ordering the eviction of internally displaced persons unlawfully occupying apartments to the detriment of the rights of lawful tenants or owners.
	Mahmudov and Agazade group	35877/04	2	Unjustified convictions for defamation and/or unjustified imposition of prison sanctions for mere defamation; arbitrary application of anti-terror legislation.
	Mammadov/ Muradova/ Mikayil Mammadov	34445/04	3	Excessive use of force or ill-treatment by the police and/or absence of effective investigations.
Belgium	Dumont group	49525/99	23	Excessive length of civil and criminal proceedings.

25. As identified either by the Court in its judgments or by the Committee of Ministers in the course of the supervision procedure (enhanced procedure). The fact that some groups are small does not prevent the underlying structural problems from being considered important, in particular in view of their potential to generate repetitive cases, or when a domestic remedy has been set up, because of the lack of a global solution of the substantive problem (i.e. the excessive length of judicial proceedings). The situation described is the one at the end of 2011.

Table 2. Main cases or groups of pending cases before the Committee of Ministers involving important structural or complex problems (by state at 31 December 2011 – for practical reasons a maximum of 5 groups are presented by state)

State	Main cases	Application number (first case)	Number of cases concerned	Case description
Bosnia and Herzegovina	Sejdić and Finci	27996/06	1	Ethnic-based discrimination on account of ineligibility of persons not affiliated with one of the "constituent peoples" (Bosnians, Croats or Serbs) to stand for election to the House of Peoples (upper chamber of the Parliamentary Assembly) and the Presidency of Bosnia and Herzegovina.
	Karanović/ Sekerović group	39462/03	2	Failure by the authorities to comply with binding court decisions concerning pension rights and discriminatory treatment in the enjoyment of those rights.
	Colić	1218/07	1	Non-enforcement of final judgments ordering the state to pay certain sums in respect of war damage.
Bulgaria	Kitov group	37104/97 50401/99 45950/99	106	Excessive length of criminal (Kitov) and civil (Djangozov) proceedings; absence of an effective remedy.
	Dimitrov – pilot judgment – and Djangozov group	37346/05		
	Finger – pilot judgment	37346/05		
	Nachova/Velikova group	43577/98	26	Excessive use of fire-arms by police officers during arrests; ineffective investigations.
	Kehayov group	41035/98	18	Poor detention conditions in prisons and remand centres; absence of an effective remedy.
	Al-Nashif group	50963/99	10	Lack of sufficient procedural guarantees against arbitrary expulsion/ deportation decisions taken on national security grounds.
	Ekimdjiev group	62540/00	4	Insufficient guarantees against arbitrary use of the powers accorded by the law on special surveillance means; absence of an effective remedy.
Croatia	Orsus	15766/03	1	Discriminatory and unjustified placement of Roma children in separated classes based on their allegedly inadequate command of the Croatian language; excessive length of proceedings.
	Skendzić and Krznarić group	16212/08	2	Lack of effective and independent investigations into crimes committed during the Croatian Homeland War (1991-1995).

Table 2. Main cases or groups of pending cases before the Committee of Ministers involving important structural or complex problems (by state at 31 December 2011 – for practical reasons a maximum of 5 groups are presented by state)

State	Main cases	Application number (first case)	Number of cases concerned	Case description
Cyprus	Rantsev	25965/04	1	Ineffective investigation into the circumstances of the death of a victim of trafficking and different problems linked to the fight against trafficking.
	Gregoriou group	62242/00	25	Excessive length of judicial proceedings (mainly before civil courts); absence of an effective remedy.
Czech Republic	D.H.	57325/00	1	Discriminatory assignment of Roma children to special schools intended for pupils displaying mental disabilities, without any objective and reasonable justification.
Georgia	Gharibashvili/ Khaindrava and Dzamashvili/ Enukidze and Girgvliani	11830/03	3	Ineffective investigations into allegations of excessive use of force by the police.
Germany	M. group	19359/04	6	Unjustified extension of preventive detention; breach of the prohibition of retroactive application of criminal law.
Greece	M.S.S.	30696/09	8	Shortcomings in the examination of asylum requests, including of the risks involved in case of direct or indirect return to the country of origin; poor detention conditions of asylum seekers and absence of adequate support when not detained; absence of an effective remedy.
	Manios group	70626/01	227	Excessively lengthy proceedings before administrative courts and the Council of State; absence of an effective remedy.
	Vassilios Athanasiou – pilot judgment			
	Beka-Kouloucheri group	38878/03	17	Failure or substantial delay by the administration to abide by final domestic judgments; absence of an effective remedy.
Ireland	A.B.C.	25579/05	1	Lack of any legislative or regulatory implementation regime providing an accessible and effective procedure to establish possibilities for lawful abortion where there is a risk to the mother's life.
Italy	Ceteroni group	22461/93	1713	Excessive length of judicial proceedings.
	Luordo group	32190/96	30	
	Mostacciuolo (Pinto) group	64705/01	133	Insufficient amounts and delays in the payment of compensation for excessively lengthy proceedings.

Table 2. Main cases or groups of pending cases before the Committee of Ministers involving important structural or complex problems (by state at 31 December 2011 – for practical reasons a maximum of 5 groups are presented by state)

State	Main cases	Application number (first case)	Number of cases concerned	Case description
Republic of Moldova	Luntre group	476/07	51	Failure or substantial delay by the administration or state companies to abide by final domestic judgments; absence of an effective remedy.
	Olaru – pilot judgment	2916/02		
	Ciorap group	2916/02	12	Poor conditions of the pre-trial detention in the remand centres under the authority of the Ministry of Justice; absence of an effective remedy.
	Corsacov group	18944/02	13	Ill-treatment and torture in police custody; ineffective investigations; absence of an effective remedy.
	Sarban group	3456/05	9	Violations mainly related to unlawful detention on remand (lawfulness, duration, justification).
Poland	Kaprykowski group	23052/05	5	Inhuman and degrading treatment in different detention facilities (police custody, remand centres and prisons), mainly due to lack of adequate medical care.
	Podbielski group	27916/95	234	Excessive length of judicial proceedings, absence of an effective remedy.
	Fuchs group	33870/96	80	Excessive length of judicial administrative proceedings; absence of an effective remedy.
	Orchowski group	17885/04	2	Poor detention conditions in prisons, particularly due to overcrowding.
Portugal	Martins Castro group	33729/06	50	Excessive length of civil proceedings; ineffectiveness of the compensatory remedy (procedures too lengthy and case-law in need of harmonisation).
	Oliveira Modesto group	34422/97	35	Excessive length of judicial proceedings.
	Carvalho Acabado group	30533/03	49	Excessive delay in determining and paying compensation following the expropriation of agricultural properties within the framework of the 1975 agrarian reform.

Table 2. Main cases or groups of pending cases before the Committee of Ministers involving important structural or complex problems (by state at 31 December 2011 – for practical reasons a maximum of 5 groups are presented by state)

State	Main cases	Application number (first case)	Number of cases concerned	Case description
Romania	Strain group	57001/00	267	Different structural problems connected with the ineffectiveness of the mechanism set up to afford restitution or compensation for properties nationalised during the communist period.
	Maria Atanasiu – pilot judgment			
	Bragadireanu group	22088/04	33	Poor conditions in police detention facilities and prisons, including failures to secure adequate medical care.
	Barbu Anghelescu group	46430/99	16	Inhuman and degrading treatment or torture by the police; ineffective investigations.
	Stoianova and Nedelcu group	77517/01	64	Excessive length of civil proceedings; absence of an effective remedy.
	Nicolau group	1295/02		
Russian Federation	Timofeyev group	58263/00	292	Failure or substantial delay by the administration to abide by final domestic judicial decisions.
	Burdov No. 2 – pilot judgment			
	Ryabykh group	52854/99	89	Non-respect of final character of judgments as a result of the use of supervisory review procedures (civil cases).
	Kalashnikov group	47095/99 46082/99	134	Poor conditions of pre-trial detention, including lack of adequate medical care; absence of an effective remedy.
	Mikheyev group	77617/01	35	Ill-treatment in police custody and ineffective investigations; excessive length of detention on remand.
	Khashiyev and Akayeva group	57942/00+	171	Violations resulting from and/or relating to the Russian authorities' actions during anti-terrorist operations in Chechnya in 1999-2004 (mainly excessive use of force, disappearances, unacknowledged detentions, torture and ill-treatment, unlawful search).
Serbia	EVT Company group	3102/05	17	Unfair trials and failure to enforce final court decisions against "socially owned companies".
Slovak Republic	Urbarska group	74258/01	4	Deprivation of possessions as a result of the transfer of the applicants' land to the tenants without adequate compensation under land consolidation proceedings.

Table 2. Main cases or groups of pending cases before the Committee of Ministers involving important structural or complex problems (by state at 31 December 2011 – for practical reasons a maximum of 5 groups are presented by state)

State	Main cases	Application number (first case)	Number of cases concerned	Case description
Turkey	Batı group	33097/96	71	Ill-treatment by the police and gendarmerie; ineffective investigations.
	İnçal group	22678/93	109	Unjustified interferences with freedom of expression owing notably to criminal convictions by state security courts.
	Demirel group	39324/98	152	Excessive length of detention on remand and lack of an effective remedy; unfair and lengthy criminal proceedings.
	Ormancı group	43647/98	233	Excessive length of judicial proceedings; absence of an effective remedy.
Ukraine	Zhovner group	56848/00	389	Failure or serious delay by the state administration or state companies in abiding by final judicial decisions; absence of an effective remedy
	Yuriy Nokolayevich Ivanov – pilot judgment			
	Kharchenko group	40107/02	22	Violations related to detention on remand.
	Naumenko Svetlana/Merit groups	41984/98	623	Excessive length of judicial proceedings; absence of an effective remedy.
	Afanasyev group	38722/02	18	Ill-treatment by police; lack of an effective investigation and/ or of an effective remedy.
United Kingdom	Greens and M.T. – pilot judgment	60041/08	2	Blanket ban on voting imposed automatically on convicted offenders detained in prison.
	Hirst	74025/01		

C.3. Additional statistics at 31 December 2011

Table 3. Additional statistics at 31 December 2011: cases decided under Protocol No. 14, respect of payment deadlines and average execution time

State	Protocol No. 14 cases [i]				Respect of payment deadlines [ii] (expiring during the year)						Average execution time					
	Committee cases (Article 28 §1.b)		Friendly settlements (Article 39 §4)		Payments within deadline		Payments outside deadline		Total of cases in which payment deadline has expired		Leading cases pending less than 2 years		Leading cases pending 2 to 5 years		Leading cases pending more than 5 years	
	2010	2011	2010	2011	2010	2011	2010	2011	2010	2011	2010	2011	2010	2011	2010	2011
Albania						1			4	5	6	6	8	10	1	
Andorra									0	0			1		1	
Armenia					3				5	2	6	5	6	4		
Austria		1	1	2	10	7			14	9	8	11	7	8	1	2
Azerbaijan		2		1		9			8	10	11	11	10	13		
Belgium									2	4	4	5	11	11	7	6
Bosnia and Herzegovina			1	4	4	3		1	5	7	4	6	4	5		
Bulgaria	10	15	6	10	3	58	9	19	68	81	37	43	50	46	20	27
Croatia		2	2	10	13	27	2		18	28	17	19	14	17	1	6
Cyprus			1		1	1			3	2	5	4	1	2	2	2
Czech Republic		3		9		12			4	19	7	10	3	7	2	3
Denmark					1				1	1	1	1		2		
Estonia			1	2	2	3			2	3	2	1	1	2		
Finland		1	9	2	14	10	1	1	29	12	9	3	6	10	2	3
France		1	1	7	4	10	1	15	18	34	12	26	22	16	3	4
Georgia				2	4	2			8	2	12	9	11	8	2	2

Table 3. Additional statistics at 31 December 2011: cases decided under Protocol No. 14, respect of payment deadlines and average execution time

State	Protocol No. 14 cases [i]				Respect of payment deadlines [ii] (expiring during the year)						Average execution time					
	Committee cases (Article 28 §1.b)		Friendly settlements (Article 39 §4)		Payments within deadline		Payments outside deadline		Total of cases in which payment deadline has expired		Leading cases pending less than 2 years		Leading cases pending 2 to 5 years		Leading cases pending more than 5 years	
	2010	2011	2010	2011	2010	2011	2010	2011	2010	2011	2010	2011	2010	2011	2010	2011
Germany	18	13	3	1	21	26	2		27	27	7	11	2	2		1
Greece	4	43	5	12	9	49	1	13	50	81	19	19	25	29	13	15
Hungary	6	17	10	45	2	39		1	31	57	9	15	2	9		1
Iceland									1	0	1	1	2	2		1
Ireland		1		2					1	3	1	2				1
Italy		8		2	11	30	6	23	35	89	14	17	15	11	28	31
Latvia		1		3		7			2	7	2	5	7	9		4
Liechtenstein	1					1			0	1						
Lithuania		4	1		10	5			10	6	4	6	2	3		1
Luxembourg					2	1			2	1			6	4	2	1
Malta					2			1	2	6	5	6	4	2	1	4
Republic of Moldova		9	10	14	14	24			26	33	20	15	33	33	2	11
Monaco									1	0	1					
Montenegro						3	1		1	3	3	3		1		
Netherlands			1	1					2	4	2	4	5	2	2	2
Norway									0	0	1					
Poland	18	19	42	153		114		5	117	213	31	26	26	31	16	15
Portugal		12	7	11	6	7	1	19	14	42	5	5	7	3	2	4

Table 3. Additional statistics at 31 December 2011: cases decided under Protocol No. 14, respect of payment deadlines and average execution time

State	Protocol No. 14 cases [i]				Respect of payment deadlines [ii] (expiring during the year)						Average execution time					
	Committee cases (Article 28 §1.b)		Friendly settlements (Article 39 §4)		Payments within deadline		Payments outside deadline		Total of cases in which payment deadline has expired		Leading cases pending less than 2 years		Leading cases pending 2 to 5 years		Leading cases pending more than 5 years	
	2010	2011	2010	2011	2010	2011	2010	2011	2010	2011	2010	2011	2010	2011	2010	2011
Romania	2	12	2	17	80	45	14	2	143	80	31	29	42	39	13	20
Russian Federation	11	12	2	7	34	52	24	43	162	163	32	36	53	72	14	26
San Marino			2	1		2			0	3			1		2	1
Serbia	1	1	17	45	13	44			20	47	3	7	11	11		
Slovak Republic	13	3	23	29	20	65			42	65	7	13	6	6		1
Slovenia		2	5		2				5	9	3	2	2	4	1	3
Spain					2	3	2	1	5	5	9	10	3	3	1	2
Sweden						1			1	1	3	4	1	1		1
Switzerland					4	6			4	6	5	7	1	2		1
"The former Yugoslav Republic of Macedonia"	1	3	20	30	6	19	15	8	30	30	9	9	6	8		1
Turkey	3	20	46	97	54	86	70	93	292	265	34	45	89	65	33	54
Ukraine	24	57	15	36	13	81	14	4	87	138	26	41	33	28	9	16
United Kingdom				10	4	8	1		8	12	13	16	5	4	6	5
Total	**112**	**262**	**233**	**565**	**368**	**861**	**164**	**249**	**1310**	**1616**	**441**	**514**	**544**	**545**	**187**	**278**

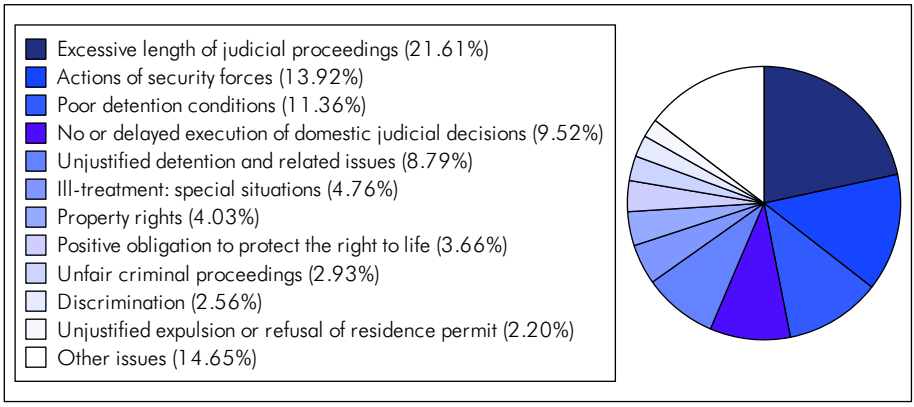
i. This table is presented to give an overview of the impact of Protocol No. 14. Indeed, one of the goals of this protocol is to expedite the processing of repetitive cases, either through the possibility of allowing Committees of three judges to deal with cases concerning questions for which there is an established case-law, or through the Court's new competence to accept friendly settlements with a simple decision.

ii. Based, like the previous reports, on information relating to cases where the payment deadline had expired in 2011. Information can be, for natural reasons, *incomplete for cases where the payment deadline expired at the end of the year.*

C.4. Main themes under enhanced supervision

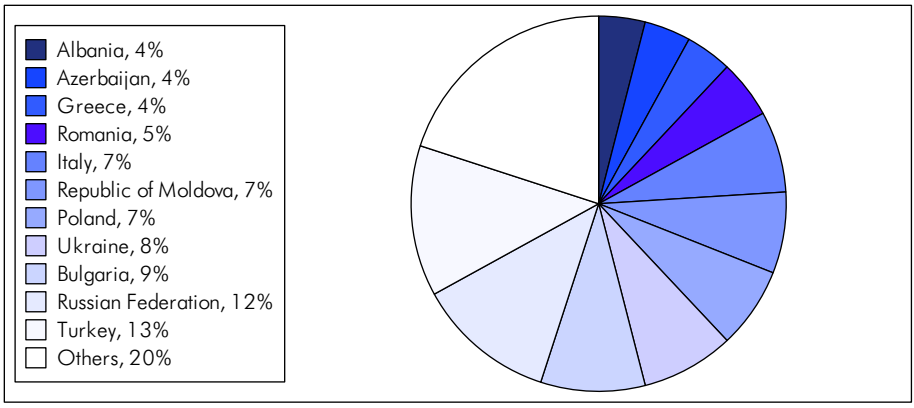
The themes used correspond to the main themes used in the thematic overview.

Figure 6. Main themes under enhanced supervision (on the basis of the number of leading cases)



C.5. Main states with cases under enhanced supervision

Figure 7. Main states with cases under enhanced supervision (on the basis of the number of leading cases)



Appendix 2: Thematic overview of the most important events occurred in the supervision process in 2011

Introduction

The new condensed thematic overview presents the major events occurred in the different execution processes in 2011, on the basis of the same themes used in earlier annual reports. Events reported include Committee of Ministers decisions and interventions in the form of:

- **Final resolutions** closing the supervision process as the Committee of Ministers finds that adequate execution measures have been adopted, both to provide redress to individual applicants and to prevent similar violations;
- **Specific Committee of Ministers decisions or interim resolutions** supporting ongoing execution processes;
- **Transfers** from enhanced to standard supervision or vice versa.

In addition, the overview presents important information received from States:

- **Action reports** indicating that the respondent government considers that all relevant measures have been taken and inviting the Committee of Ministers to close its supervision;
- **Action plans/reports** detailing the execution measures planned and/or already taken;
- **Information supplied** in other forms (or, in certain cases, information promised/expected).

The main stress is laid on cases with more important general measures. Individual measures are less reported. Indeed, in almost all Council of Europe member states the violations found can today be redressed by reopening criminal proceedings, or even civil proceedings to the extent possible considering the right to legal certainty and res judicata. Where reopening of civil proceedings is not possible, compensation for loss of opportunity remains the main alternative, whether awarded by the European Court or through domestic proceedings. Besides reopening, there are in many other situations important possibilities of obtaining a reexamination of the matter incriminated by the European Court in order to obtain redress.

Standard measures such as the payment of just satisfaction or the publication and dissemination of judgments to competent authorities without special instructions in order to ensure, through the direct effect accorded by domestic authorities

to the judgments of the Court, adaptations of domestic practices and case-law, are not specially mentioned.

This presentation takes into account the grouping of cases as indicated in the Committee of Ministers' order of business and in table C.2. above, and references are thus limited to the leading cases in the groups.

The Human Rights meetings of the Committee of Ministers are referred to by the indication of the month they were held:

- March =1108th meeting of the Ministers' Deputies – start 8 March 2011
- June = 1115th meeting of the Ministers' Deputies – start 7 June 2011
- September = 1120th meeting of the Ministers' Deputies – start 13 September 2011
- December = 1128th meeting of the Ministers' Deputies – start 29 November 2011

N.B. Action plans/reports referred to are under Committee of Ministers examination, unless otherwise indicated.

A. Right to life and protection against torture and ill-treatment

A.1. Actions of security forces

1. **BGR/Nachova and Hristova and other similar cases**
BGR/Velikova and other similar cases
(Appl. Nos. 43577/98 and No. 41488/98 – judgments final on 06/07/2005 and 04/10/2000)

Specific decision adopted in June with respect to cases revealing problems of ill-treatment, excessive use of force by the police and ineffective investigations both into allegations of police misconduct and into possible crimes underlying the interventions (including the question of racially motivated violence). The CM expressed its satisfaction at the introduction in the criminal code of aggravated qualifications for murder and bodily harm committed with racist or xenophobic motives. It invited the authorities to provide additional information on further preventive measures (training of members of the police, adoption of the necessary legislative amendments and procedural safeguards during police custody), and as regards the effectiveness of investigations. It also requested information or clarifications concerning the individual measures in certain cases. Certain additional information was submitted in August and is presently under examination.

2. **FRA/Darraj and FRA/Saoud**
(Appl. Nos. 34588/07 and 9375/02, judgments final on 04/02/2011 and 09/01/2008, DH-DD(2011)570 and DH-DD(2011)311)

Action reports received: the government considers that all necessary execution measures have been taken in response to two judgments relating to specific problems in the use of force by the police in situations involving minors, handcuffing and the use of potentially dangerous immobilisation techniques (*ventral decubitus*). The reports refer notably to new more precise instructions, for the police and revised manuals and training, taking into account international experiences, as regards the modalities to be respected in the application of immobilisation techniques. The CM is assessing whether the supervision of execution in these cases should be closed.

3. **LIT/Juozaitienė and LIT/Bikulčius**
(Appl. Nos. 70659/01 and 74371/01 – judgments final on 24/07/2008, CM/ResDH(2011)230)

Final resolution: adequate measures were deemed adopted in response to a case concerning deaths of the applicants' sons as a result of the use of unnecessary force by the police and the absence of effective investigations: abuse of office is now a specific offence and a new continuing obligation for the police to attend specific training has been introduced. In addition, new special devices to prevent the use of fire-arms or limit their effects have been acquired. Finally, the domestic courts' case-law has developed to ensure effective investigations.

4. **ROM/Barbu Anghelescu No. 1 and other similar cases**
(Appl. No. 46430/99 – judgement final on 05/10/2004)

Specific decision adopted in June with respect to cases revealing problems of ill-treatment, excessive use of force by the police and ineffective investigations into alleged misconducts (including racially motivated ill-treatment). The CM underlined the need to assess the practical impact of the measures taken and noted that certain clarifications were needed, in particular as regards the procedural safeguards against ill-treatment in police custody and the practical in-service training of the members of the police on the requirements of the Convention (an action plan has been requested). It also noted that certain information on measures concerning racism within the police remained to be assessed. It further recalled that supplementary information is expected in a certain number of cases as regards the individual measures (for more details see the Memorandum CM/Inf/DH(2011)25rev).

5. **RUS/Khashiyev and other similar cases**
(Appl. No. 57942/00 – judgment final on 06/07/2005, Interim Resolution CM/ResDH(2011)292)

Interim resolution adopted in December in cases relating to anti-terrorist operations in Chechnya in 1999-2006, notably revealing a number of structural problems. Having first considered developments in respect of the regulatory framework surrounding actions by security forces and training issues, the CM examination is presently focusing on the state of domestic investigations carried out – following the European Court's judgments – under the remit of the Special Investigative Unit set up within the Investigative Committee of the Russian Federation in the Chechen Republic. In its Interim Resolution, the CM noted the continuous improvement of the institutional, legal and regulatory framework for such investigations, but expressed deep concern that no decisive progress has been made in the investigations in the vast majority of cases. The CM thus urged the Russian authorities to enhance their efforts to ensure independent and thorough investigations into all abuses found in the Court's judgments and to take rapidly the necessary measures aimed at intensifying the search for disappeared persons. In addition, the CM encouraged the Russian authorities to continue their efforts to secure participation of victims in investigations and to increase the effectiveness of the remedies available to them. The authorities were also encouraged to take all necessary measures to ensure that the statutes of limitation do not negatively impact on the full implementation of the European Court's judgments.

6. **RUS/Mikheyev and other similar cases** (Appl. No. 77617/01 – judgment final on 26/04/2006)	**Information submitted** regarding a group of cases raising the problem of arbitrary police actions and abuses, as well as shortcomings in the subsequent investigations into the events. The new law on the police has entered into force in March 2011, supplementing earlier changes in law and practice. In its last specific decision of December 2010, the CM had encouraged the Russian authorities to seize fully the opportunity offered by the ongoing comprehensive reform to ensure that the legal and regulatory framework for police activities contains all necessary safeguards against police arbitrariness and abuses similar to those found by the European Court in its judgments. The new system put in place is presently under CM examination.
7. **ESP/Iribarren Pinillos** (Appl. No. 36777/03 – judgment final on 08/04/2009, CMResDH(2011)266)	**Final resolution:** adequate measures were deemed adopted in response to a case concerning a lack of effective investigations into allegations of excessive use of force by the riot police during a violent demonstration and the excessive length of the ensuing judicial proceedings: the Spanish Constitutional Court has in particular extended and clarified its case law as regards the need to conduct exhaustive investigations in cases where there are complaints of ill-treatment by police officers.
8. **TUR/Batı and other similar cases** (Appl. No. 33097/96 – judgment final on 03/09/2004 DH-DD(2011)559)	**Additional action report** received with respect to cases revealing problems of ineffective and excessively lengthy investigations into alleged abuses by security forces, as well as a lack of independence of investigation authorities. During a meeting organised by the Chair of Human Rights section of the Ministry of Justice the issue of reopening of investigations into actions of security forces has been discussed under all its aspects. The conclusions of the meeting were to be further considered in the framework of professional trainings for judiciary and prosecution authorities, to be organised in co-operation with the High Council of Judges and Prosecutors and the Academy of Justice. The authorities also informed that according to the provisions of the new Criminal Code, the prescription periods for different crimes linked with ill-treatment and torture had been increased in an important manner.

A.2. Positive obligation to protect the right to life

9. **SVK/Kontrova**
(Appl. No. 7510/04 – judgment final on 24/09/2007, CM/ResDH(2011)31

Final resolution: adequate measures were deemed adopted in response to police inaction in face of information of death threats to persons: in addition to the adoption of awareness raising measures aimed at police and courts, remedies have been improved so that complaints of inaction can now be subjected to the domestic courts and remedial action, including compensation for non-pecuniary damages ensured.

10. **TUR/Paşa and Erkan Erol**
(Appl. No. 51358/99 – judgment final on 23/05/2007, CM/ResDH(2011)168)

Final resolution: adequate measures were deemed adopted in response to a case concerning a child injured by landmines: notably important demining operations in accordance with the Ottawa Convention, improved signalisation and training activities intended for school teachers in concerned areas.

11. **UKR/Gongadze**
(Appl. No. 34056/02 – judgment final on 08/02/2006, DH-DD(2011)376)

Specific decision adopted in June with respect to a case concerning the authorities' failure to protect the life of a journalist and effectively investigate the circumstances of his abduction and death. The CM noted with interest the progress made by the authorities in their efforts to establish the circumstances of the crime and to identify the persons involved, and invited the authorities to continue to keep it regularly informed of relevant developments.

A.3. Ill-treatment – specific situations

12. **BGR/M.C.**
(Appl. No. 39272/98 – judgment final on 04/03/2004, CM/ResDH(2011)3)

Final resolution: adequate measures were deemed adopted in response to a case revealing shortcomings in the effective protection of women against rape, including excessive burdens of proof on the victim, and delays in investigation: measures adopted include dissemination of methodological instructions on the investigation of rape to all regional investigating services, and dissemination of a circular letter specifying the concrete obligations for the different investigating authorities.

13. **FRA/El Shennawy and FRA/Payet**
(Appl. Nos. 51246/08 and 19606/08 – judgments final on 20/04/2011, DH-DD(2011)112 and DH-DD(2011)1149)

Action report submitted in response to a judgment concerning degrading treatment suffered due to repeated and filmed full body searches imposed during an assize trial by hooded men from different law enforcement agencies and the absence of an effective remedy to complain about the matter. A new law from 2009, supplemented by a government decree of 2010, more strictly circumscribe the kind of measures at issue. The old circular from 1986 applicable at the time has also has been replaced in 2011 and electronic detection devices intro-

duced to identify substances and objects incompatible with detention. The case law of the Conseil d'Etat and of the urgent appeal (appel en référé) have also developed so as to provide, today, an effective remedy. The CM is assessing whether the supervision of execution in these cases should be closed.

14. **GEO/Gharibashvili and other similar cases**
(Appl. No. 11830/03 – judgment final on 29/10/2008)

Information received with respect to cases revealing violations owing to the lack of an effective investigation into allegations of ill-treatment or death resulting from the actions of security forces: an action plan is being drafted by the authorities.

15. **TUR/Ülke**
(Appl. No. 39437/98 – judgment final on 24/04/2006)

Specific decision adopted in December with respect to a case concerning degrading treatment resulting from repetitive convictions and imprisonment for refusal to perform compulsory military service on account of pacifist convictions and conscientious objection. Despite two interim resolutions and two letters from the Chair of the Committee of Ministers, it has not been demonstrated that the applicant is no longer sought by the authorities and that he will not be prosecuted again. The Turkish authorities have stated that the execution of this judgment raised certain difficulties since it required legislative amendments concerning military service. However, they have not provided any information on the content of the legislative measures envisaged. Turkey was invited in September and December 2011 to clarify whether there is still an arrest warrant against the applicant and, if so, whether the Turkish authorities intend to withdraw it.

B. Prohibition of slavery and forced labour

16. **FRA/Siliadin**
(Appl. No. 73316/01– judgment final on 26/10/2005, CM/ResDH(2011)210)

Final resolution: adequate measures were deemed adopted in response to a case concerning a lack of specific and effective protection for a Togolese national minor against the "servitude" in which she was held as an unpaid servant for several years: the Criminal Code has notably been modified and a new criminal offence of trafficking in human beings has been defined.

17. **CYP and RUS/ Rantsev**
(Appl. No. 25965/04 – judgment final on 10/05/2010, DH-DD(2011) 335; DH-DD(2011)336 and DH-DD(2011)633)

Specific decision adopted in June with respect to ineffective investigations into the circumstances of the death of a victim of trafficking and different problems linked to the fight against trafficking: the CM took note of the information provided by the Cypriot and Russian authorities on the progress of their domestic investigations, encouraged the Cypriot authorities to provide to the Russian authorities the requested legal assistance from the Cypriot investigators to facilitate a prompt and fully effective investigation into the circumstances of the victim's death and the allegations of human trafficking, stressed the critical importance of close co-operation between these authorities and invited to keep CM updated on the progress of both investigations. Following this decision the Russian authorities have submitted a further action plan/report in August providing additional information on the progress of the domestic investigations and indicating that the government considers that besides the general measures already reported and the fact that the prevention of violence against women and children and trafficking will continue to be the object of close attention, no further measures were required.

C. Protection of rights of detained

C.1. Poor detention conditions

18. **ALB/Dybeku and ALB/Grori**
(Appl. Nos. 25336/04 and 41153/06 – judgments final on 02/06/2008 and 07/10/2009, DH-DD(2011)1041)

Action plan received in cases concerning absence of adequate medical treatment in prison: the applicants' detention conditions have been improved and CM will be continuously informed of their state of health. As regards general measures, legislative amendments are being prepared to ensure that adequate medical treatment will be provided and that judicial review of allegations of ill-treatment will be effective, and the co-operation with the Ombudsman and its national mechanism on prevention of torture reinforced.

19. **ARM/Kyrakosyan and other similar cases**
(Appl. No. 31237/03 – judgment final on 04/05/2009)

Information received with respect to a group of cases concerning degrading treatment owing to bad detention conditions in administrative detention facilities: an updated action plan is under preparation by the authorities.

20. **BGR/Kehayov group and other similar cases**
(Appl. No. 41035/98 – judgment final on 18/04/2005, DH-DD(2011)253 and DH-DD(2011)918)

Specific decision adopted in December with respect to cases revealing a problem of poor conditions of detention in prisons and in investigative detention facilities, and the absence of effective remedies. The CM noted the authorities' action report and the additional information concerning the renovation of several prisons, and welcomed the adoption of a Programme for improving living conditions in places of detention with an action plan for its implementation in 2011-2013. Additional information was requested regarding the real impact of the measures adopted and on further specific measures envisaged, notably in order to improve the existing compensatory remedy and the introduction of an effective remedy in respect of detention conditions.

21. **GRC/Xiros**
(Appl. 1033/07 – judgment final on 21/02/2011, DH-DD(2011)1109)

Action plan/report received in November in response to a judgment relating to the absence of adequate medical care in prison: measures have been taken to improve medical care, notably through a new law of 2009 which integrates prison hospitals in the national health care system and a number of co-operation agreements with medical university centres and NGOs active in the health field. The applicant's situation has also been cared for.

22. **MDA/Ciorap and MDA/Corsacov**
(Appl. No. 12066/02 and 18944/02 – judgments final on 19/09/2007 and 04/07/2006)

Information received with respect to cases revealing problems of poor conditions of detention in the remand centres under the authority of the Ministry of Justice or under the authority of the Ministry of Interior: updated action plans are being currently prepared by the authorities.

23. **POL/Kaprykowski**
(Appl. No. 74651/01 – judgment final on 15/04/2009, DH-DD(2011)626, DH-DD(2011)710)

Specific decision adopted in September with respect to a case concerning lack of adequate medical care in prison. The CM recalled that the earlier action plan (notably referring to efforts to unify services and modernise prison hospitals, and build a central one, as well as new regulations regarding psychiatric hospitalisation) had been incomplete. The CM thus noted with interest the additional information presented during the September meeting including the submission on 12 September 2011 of an updated action plan.

24. **POL/Orchowski and POL/Norbert Sikorski and other similar cases**
(Appl. Nos. 17885/04 and 17599/05 05 – judgments final on 22/01/2010 and 09/02/2005, DH-DD(2011)627 and DH-DD(2011)709)

Specific decision adopted in September with respect to cases revealing problems of inadequate detention conditions in prisons and remand centres, particularly overcrowding aggravated by factors such as the lack of outdoor exercise and privacy, insalubrities and frequent transfers, a situation qualified by the European Court as a practice incompatible with the ECHR. In its decision the CM recalled the earlier action plan had been incomplete. The CM thus noted with interest the submission of information by the authorities during the September meeting and the action report of 12 September 2011, detailing significant measures taken by the authorities to reduce overcrowding in prisons and remand centres, which remained, however to be assessed. The CM observed, however, already in its decision that the information presented did not appear to include information on measures taken in respect of the aggravating factors referred to in the European Court's judgments and invited thus the authorities to complete the action report in this respect.

25. **ROM/Bragadireanu and other similar cases**
(Appl. No. 22088/04 – judgment final on 06/03/2008)

Specific decision adopted in June with respect to cases revealing violations concerning mainly inhuman and degrading treatment owing to overcrowding and inadequate detention conditions in prisons and police detention facilities. The CM took note with satisfaction of the submitted action plan and of the far-reaching general measures taken, but requested also information on measures taken or envisaged as regards the conditions of detention in police detention facilities. It further underlined the need to have at their disposal the authorities' assessment of the impact of the reforms adopted and envisaged, and invited the Romanian authorities to clarify whether the domestic monitoring mechanism uses evaluation criteria similar to those used by the European Court. Moreover, the CM requested further information on the outstanding questions identified in the Memorandum CM/Inf/DH(2011)26, in particular as regards the setting up an effective remedy in respect of complaints related to conditions of detention, as well as on the individual situation of two applicants.

26. **RUS/Kalashnikov and other similar cases**
(Appl. No. 47095/99 – judgment final on 15/10/2002)

Several interim reports received in addition to the information already provided (see CM/ResDH(2010)35) with respect to measures taken in cases concerning violations related to poor detention conditions: in addition to the continuing dissemination of the European Court's judgments to the prosecution, penitentiary and judiciary

authorities, the authorities informed notably that a series of circular letter has been sent by the Federal Penitentiary Service to its subordinate bodies stressing the importance of supervising detention conditions in general and those of the applicants to the ECHR in particular. In addition, special training measures are being organised.

C.2. Unjustified detention and related issues

27. **AZE/Farhad Aliyev and other similar cases**
(Appl. No. 37138/06 – judgment final on 09/02/2011, DH-DD(2011)1081)

Action plan/report received in November 2011 with respect notably to the absence of a clear legal basis in domestic law for detention on remand of an accused from such a time the criminal case is referred to the competent court and that court holds a hearing: the situation has been brought before the Constitutional Court which has recommended Parliament to define in legislation a basis for detention during this time. Draft legislation is under preparation.

28. **FRA/Medvedyev**
(Appl. No. 3394/03 – judgment final on 29/03/2010, DH-DD(2011)306 and DH-DD(2011)1128)

Action report submitted indicating that the government considers all necessary execution measures taken in response to a judgment concerning shortcomings in the detention regime applied to persons arrested during naval operations on the high seas: a new law of 2011 on the fight against piracy provides today the necessary legal basis for such detention and subjects detention first to the authority of the prosecutor (48 hours), and secondly to the judge of freedoms and liberties (120 hours, renewable). The new regime also provides for rapid examinations of the state of health of those detained and subsequent follow up. The question of closure is under CM examination.

29. **GEO/Patsuria and other similar cases**
(Appl. No. 30779/04 – judgment final on 06/02/2008, CM/ResDH(2011)105)

Final resolution: adequate measures were deemed adopted in response to cases concerning numerous shortcomings in the system of detention on remand and of the conditions of such detention: a new Code of Criminal Procedure has notably been adopted which definitively repealed the provisions at issue. Furthermore, a new Code of Imprisonment came into force, a new set of Prison Rules has been adopted, a new prison was built with a modern infrastructure and the metal cages in courtrooms have been abolished and replaced by glazed areas.

30. **HUN/Imre and other similar cases**
(Appl. No. 53129/99 – judgment final on 02/03/2004, CM/ResDH(2011)222)

Final resolution: adequate measures were deemed adopted in response to cases concerning excessive length of detention on remand and insufficient reasoning of decisions ordering such detention: notably the Code of Criminal Procedure was amended establishing, *inter alia* a series of grounds for detention, judges are required henceforth to give detailed reasons for their detention decisions, and specific trainings for judges were organised in this respect.

31. **MDA/Sarban and other similar cases**
(Appl. No. 3456/05 – judgment final on 04/01/2006)

Information received with respect to group of cases different problems mainly related to detention on remand (lawfulness, duration, justification). An updated action plan is being elaborated by the authorities.

32. **MCO/Prencipe**
(Appl. No. 43376/06 – judgment final on 16/10/2009, CM/ResDH(2011)135)

Final resolution: adequate measures were deemed adopted in response to a case concerning excessive length of pre-trial detention: notably the Code of Criminal Procedure has been modified to limit the duration of pre-trial detention.

33. **SVK/Kučera and SVK/Haris**
(Appl. Nos. 48666/99 and 14893/02 – judgments final on 17/10/2007 and 06/12/2007, CM/ResDH(2011)158)

Final resolution: adequate measures were deemed adopted in response to cases concerning failure to examine promptly the requests for release from detention on demand and respect for private and family life: mainly, new provisions have been introduced in the Code of Criminal Procedure as well as a new remedy in the form of a constitutional complaint.

34. **TUR/Demirel and other similar cases**
(Appl. No. 39324/98 – judgment final on 28/04/2003, DH-DD(2011)578)

Action plan received in with respect to cases mainly concerning excessive length of detention on remand and lack of an effective remedy. Turkish authorities indicated that steady efforts had been taken to find a permanent solution to the issue of lengthy proceedings in general, notably by increasing the number of judges and prosecutors, reducing their workload, strengthening technical and physical infrastructures and improving alternative ways of resolving disputes. To overcome specific problems, e.g. insufficient reasoning of detention decisions, a series of training programmes were carried out by the Ministry of Justice. In addition, the Ministry set up a working group with a view to identifying and preparing necessary changes to the existing legislation. The authorities engaged to keep the CM informed of further developments related to the excessive length of criminal proceedings.

35. **UKR/Kharchenko and other similar cases**
(Appl. No. 40107/02 – judgment final on 10/05/2011, DH-DD(2011)1066)

Specific decision adopted in December with respect to cases revealing different problems linked to practices of arrest (notably absence of records) and pre-trial detention (notably absence of judicial decisions). While taking into account Ukraine's reservation to Article 5 of the Convention, covering the question of judicial control of the first period of arrest ordered (up to one month), the European Court stressed that specific reforms in Ukraine's legislation and administrative practice regarding subsequent pre-trial detention should be implemented urgently, and that a strategy should be presented for November 2011. In its decision, the CM noted with satisfaction that the strategy requested was provided within the time-limit set and encouraged the authorities to implement it rapidly, and in particular to adopt the new Code of Criminal Procedure under elaboration, having due regard to the Council of Europe expert study under way. The CM further invited the Ukrainian authorities to provide information on the measures taken or planned to resolve the remaining problems highlighted in other cases of this group.

C.3. Detention and other rights

36. **BIH/Rodić**
(Appl. No. 22893/05 – judgment final on 01/12/2008, CM/ResDH(2011)93)

Final resolution: adequate measures were deemed adopted in response to a judgment revealing important security risks posed by persons convicted of war crimes (notably as regards the lives and health of other detainees): among measures adopted by the authorities figure improved distribution of "risk" convicts, reinforcement of prison personnel to prevent inter-prisoner violence; improved inspections and complaint management. In addition, the Federation of Bosnia-Herzegovina has decided to construe, starting June 2011, a new correctional institution in Mostar with both a semi-open and a closed regime.

37. **CRO/Dolenec and CRO/Gladović**
(Appl. No. 25282/06 – judgment final on 26/02/2010 and 10/08/2011, DH-DD(2012)55)

Action report received: the government considers that adequate measures have been adopted in response to judgments relating notably to inhuman and degrading treatment by prison guards and shortcomings of the subsequent investigations. The Prison System Directorate issued an order to all prisons aimed at eliminating any unlawful or irregular actions by prison authorities and setting up an effective complaints system. The rights of remand prisoners have also been improved by allowing detainees to complain to the court responsible for their detention about measures or actions taken during their

detention. In addition, training of prison staff has been carried out, notably to acquaint them with the European Prison Rules (CM Rec(2006)2) and the case-law of the European Court.

38. **POL/Chruściński**
(Appl. No. 22755/04 – judgment final on 06/02/2008, CM/ResDH(2011)142)

Final resolution: adequate measures were deemed adopted in response to a case concerning the lack of equality of arms and a violation of adversarial principle in proceedings concerning the lawfulness of detention on remand: notably, the Code of Criminal Procedure has been amended to give access to case-files to the accused and his defence in proceedings concerning detention on remand.

39. **UK/Dickson**
(Appl. No. 44362/04 – judgment final on 04/12/2007, CM/ResDH(2011)176)

Final resolution: adequate measures were deemed adopted in response to a refusal of access to artificial insemination for a prisoner serving a life sentence and his wife: notably, the previous policy has been amended and takes now the form of a non-exhaustive list of criteria, issued to all detainees seeking access to artificial insemination. It has been indicated that, in compliance with the judgment, the Secretary of State will apply a proportionality test when taking a decision and balance the individual circumstances of the applicant against the criteria in the policy and the public interest. Decisions made under the policy may be challenged in judicial review proceedings.

D. Issues related to foreigners

D.1. Unjustified expulsion or refusal of residence permit

40. **BEL and GRC/M.S.S.**
(Appl. No. 30696/09 – judgment final on 21/01/2011)

Specific decisions adopted in March, September and December with respect to a problem linked with the transfer of an alien to Greece under the Dublin II Regulation, notwithstanding serious shortcomings in the Greek authorities' examination of asylum requests and degrading treatment because of poor detention conditions and total lack of assistance to those not detained (notably in contradiction with the European Union's Directive 2003/9/CE laying down minimum standards for the reception of asylum seekers).

Belgium: In its last December decision the CM noted with interest the action plan/report received in July, which indicated that transfers of asylum seekers to Greece have been suspended and that requests are now treated by the Belgian authorities availing themselves of the Dublin II Regulation's "sovereignty clause".

Greece: In the December decision the CM noted with interest the measures presented in the action plan of July, as well as in the National Action Plan on Migration Management, and in particular the entry into force of a new law (No. 3907/2011) on the establishment of an Asylum Service and a First Reception Service, aimed at bringing the detention and living conditions of asylum seekers and the asylum procedure into conformity with the Court's conclusions in the judgment. It further noted information presented during the meeting concerning short-term measures related to the improvement of conditions of detention.

The CM instructed the Secretariat to prepare a memorandum containing a detailed assessment of the action plans for their meeting of June 2012 at the latest.

41. **BGR/Al-Nashif and other similar cases**
(Appl. No. 50963/99 – judgment final on 20/09/2002, DH-DD(2011)255 and DH-DD(2011)402)

Action report submitted in respect of cases revealing certain shortcomings in the procedures for the expulsion of aliens in view of the insufficient protection against arbitrariness, notably the absence of effective judicial review of expulsion decisions, including questions of detention. Further to relevant awareness-raising measures, the Aliens Act was amended in 2009 and 2010 to meet the requirements of the ECHR. Examples of judicial review proceedings carried out under the new provisions were submitted in 2011. The Government considers that the necessary execution measures have been adopted. The question of closure is under CM examination.

42. **FRA/Bousarra**
(Appl. No. 25672/07 – judgment final on 23/12/2010, CM/ResDH(2011)208)

Final resolution: adequate measures were deemed adopted in response to a case concerning the deportation to Morocco of a Moroccan national. Notably, since the facts, a new law prohibits the imposition of an expulsion measure on a foreigner lawfully resident in France for more than 20 years and necessary urgent individual measures have also been taken to allow the applicant's return (see the specific decisions adopted in March and June).

43. **ITA/Saadi and other similar cases**
(Appl. No. 37201/06 – judgment final on 28/02/2008)

Specific decision in March with respect to a group of cases revealing risks of ill-treatment, in case of expulsion to Tunisia. The CM called upon the Italian authorities to provide information on whether the expulsion orders against a number of applicants were still in force, and in the affirmative to lift them. Information remained awaited on 31.12.2011.

44. **UK/NA**
(Appl. No. 25904/07 – judgment final on 06/08/2008, CM/ResDH(2011)84)

Final resolution: adequate measures were deemed adopted in response to a case concerning a Sri Lankan national of Tamil origin risking torture and ill-treatment if the removal directions against him were to be enforced: notably, the United Kingdom Border Agency has updated its practice on Sri Lankan nationals and the authorities widely reported the judgment of the European CourtEuropean Court.

D.2. Detention in view of expulsion

45. **AZE/Shaig Garavev**
(Appl. No. 53688/08 – judgment final on 10/09/2010, DH-DD(2011)154)

Action plan received in November with respect to the absence of a clear legal basis for detention pending extradition and the absence of adequate judicial review. New legislation is being prepared.

46. **BEL/Čonka**
(Appl. No. 51564/99 – judgment final on 05/05/2002, CM/ResDH(2011)191)

Final resolution: adequate measures were deemed adopted in response to a case concerning the expulsion of Slovakian nationals of Roma origin and asylum seekers, notably: creation of a new and specific administrative court – the "Aliens' Disputes Board" – with jurisdiction over all aspects of litigation, and dissemination to each inmate of an information booklet explaining all the legal possible actions for a given situation.

E. Access to and efficient functioning of justice

E.1. Excessive length of judicial proceedings

47. **AZE/Mirzayev and other similar cases**
(Appl. No. 50187/06 – judgment final on 03/03/2010)

Specific decision adopted in March with respect to cases revealing problems owing to the non-execution of final judicial decisions ordering the eviction of internally displaced persons unlawfully occupying apartments at the expense of the rights of the lawful tenants or owners. The CM first noted with satisfaction that all domestic judgments in these cases were implemented in the deadlines set by the Court. It also noted with interest the Presidential Order of 21 February 2011 providing specific measures to solve the housing problems of internally displaced persons with a view to restoring the rights of lawful tenants or owners. The CM further recalled that this group of cases concern the failure to implement domestic judgments and that a comprehensive action plan to avoid the repetition of this kind of violation is awaited and urged the Azerbaijani authorities to provide such an action plan as soon as possible.

48. **BEL/Dumont and other similar cases**
(Appl. No. 49525/99 – judgment final on 28/07/2005)

Information is awaited and an action plan/report foreseen on the measures taken or envisaged in response to cases revealing a problem of excessive length of civil or criminal judicial proceedings. In particular, information is expected on the progress made in proceedings that resulted to be still pending before national courts. Concerning general measures, the authorities indicated that excessive length of proceedings was not, in their opinion, a structural problem. Nevertheless, a certain number of measures have been taken, over the years, to prevent new violations both as regards national courts and, more specifically, Brussels' courts. Further information is awaited on the current situation of first instance Brussels' courts. Furthermore, an effective compensatory remedy has been introduced in case of excessive length of civil proceedings and a law of 2007 also provides for the possibility to request the speeding up of proceedings. A remedy acknowledged by the European Court also exists for criminal proceedings.

49. **BGR/Kitov, BGR/ Djangozov, BGR/ Dimitrov and Hamanov (pilot) and BGR/Finger (pilot) and other similar cases**
(Appl. Nos. 37104/97, 45950/99, 48059/06 and 37346/05 – judgments final on 03/07/2003, 08/10/2004, 10/08/2011 and 10/08/2011)

Specific decision adopted in December with respect to cases revealing problems of excessive length of criminal and civil proceedings and the lack of effective remedies. The CM had earlier taken stock of measures taken and identified outstanding issues in an Interim Resolution of December 2010 (CM/ResDH(2010)223). In response to this resolution an action report citing numerous developments was received in February 2011. Subsequently two pilot judgments of May 2011, highlighted in particular the need to set up rapidly effective remedies (by mid August 2012). In its December decision the CM noted the additional information submitted in response to the judgments, but considered it a matter of concern that the authorities had not yet provided a time-frame for reforms indicating that they would be able to comply with the time-limit set. The CM thus urged the authorities to provide rapidly the missing information. It also recalled that further information was expected as to the foreseeable impact of the reforms undertaken on the length of judicial proceedings. The CM also requested information on individual measures in a number of cases.

50. **CYP/Gregoriou and other similar cases**
(Appl. No. 62242/00 – judgment final on 09/07/2003)

Action plan/report received detailing measures planned and taken in response to a group of cases revealing a more general problem of excessively lengthy judicial proceedings. The plan/report notably informs of the adoption of a new remedy in 2010 capable both of preventing violations

(acceleration) and of providing, if need be, redress (notably monetary compensation). The plan/report points out that the new remedy has been deemed efficient by the European Court in a subsequent case. As to the roots of the problem of excessively lengthy proceedings the plan/report notably refers to the efforts of the Supreme Court to monitor the length of proceedings, the work on a revision of the Code of Civil Procedure, the increase of the competence of single judges in district courts, increases in the number of judges and plans to construe a new District Court in Nicosia.

51. **GER/Rumpf and other similar cases**

(Appl. No. 46344/06 – judgment final on 02/12/2010)

Transfer to standard supervision procedure in December because of progress made in the execution of a group of cases relating to the excessive length of judicial proceedings. Specific decisions had earlier been adopted in March and June, notably in order to follow the setting up of an effective remedy as ordered by the European Court in December 2010 through the pilot judgment in the Rumpf case because of the absence of progress in the adoption of such a remedy following earlier cases (Sürmeli, judgment of 2006). In the action plan of February 2011 presented in response to the pilot judgment, the German authorities indicated that a draft law had already passed the first reading in German Federal Parliament. The new law, which entered into force in December, grants relief in two stages: those affected by lengthy proceedings must first file a complaint against the lengthy proceedings, giving by that an opportunity to the judges to accelerate them. If the proceedings continue to be delayed compensation may be granted. In view of the likely effects of the new law, the CM continues to follow the matter under standard procedure.

52. **GRC/Vassilios Athanasiou and others and GRC/Manios and other similar cases**

(Appl. No. 50973/08 and No. 70626/01 – judgments final on 21/03/2011 and 11/06/2004, DH-DD(2011)349 and DH-DD(2011)850)

Specific decisions adopted in June and September with respect to a structural problem under CM supervision since 2004 due to the excessive length of proceedings before administrative courts and the Council of State and the lack of an effective remedy. The situation led the Court to adopt the pilot judgment in the *Vassilios Athanasiou case* (final on 21 March 2011) calling for the rapid setting up of such a remedy within one year. In the last specific decision of September taken in response to this pilot judgment, the CM took note of the legislative measures adopted in 2010 to accelerate procedures before administrative courts and strongly encouraged the Greek authorities to continue their efforts in view of introducing an effective remedy for excessive length of such proceedings, recalling that a remedy or the combination of

remedies must comply with the principles set by the Court and must also apply to proceedings before the Council of State. The CM further encouraged the Greek authorities to find appropriate solutions capable of providing redress to all persons in the applicants' situation within the deadline set. An action plan detailing further measures taken and envisaged in response to these judgments was submitted in October 2011.

53. **ITA/Ceteroni, ITA/Luordo, ITA/Mostacciuolo, ITA/Gaglione and other similar cases**

(Appl. Nos. 22461/93, 32190/96, 64705/01 and 45867/07 – judgments final on 15/11/1996, 17/10/2003, 29/03/2006 and 20/06/2011)

Specific decisions adopted in December with respect to cases revealing a longstanding problem of excessively lengthy judicial proceedings, which has been the subject of numerous CM interventions over the years. The CM took into account the two new action plans lodged in October, notably highlighting a new global strategy adopted following the CM last interim resolution (CM/ResDH(2010)224). The main elements of the strategy presented are the following: ensuring a decrease in the number of new applications to domestic courts (notably through schemes aimed at promoting extra-judicial settlement); improving judicial organisation as well as computerisation of courts, and adopting certain extraordinary measures to handle the backlog. Statistics also indicated positive results. In its December decision, the CM noted the above developments, and notably the first ever slight decrease in the backlog (-4%) in 2010. The CM expressed, however, again utmost concern as regards the effectiveness of available remedies because of repetitive delays in paying the sums awarded by national courts under the "Pinto Act" and considered that the situation created a serious threat to the effectiveness of the system of the ECHR and of the European Court. The CM urged the authorities to find without further delay an immediate solution to the issue. As regards the situation in general, the CM urged the authorities to follow closely the situation in the field of civil justice and to update without delay their action plan with reference to criminal, administrative and bankruptcy proceedings. In the light of the seriousness of the issues raised, the CM decided to resume consideration of these cases in March 2012.

54. **POL/Kudła, POL/Podbielski and POL/Fuchs and other similar cases**
(Appl. Nos. 30210/96, 27916/95 and 33870/96 – judgments final on 26/10/2000, 30/10/1998 and 11/05/2003, DH-DD(2011)1073 and DH-DD(2011)1074)

Specific decision adopted in December as regards several groups of cases revealing the problem of excessive length of judicial proceedings and the lack of effective remedies: the CM noted with interest the action plans submitted in November 2011, recalling the significant number of measures taken to address this systemic problem (notably computerisation of proceedings, numerous amendments of the law aimed at accelerating proceedings and the introduction of an effective remedy) as well as the regular monitoring of the courts' caseloads and the comprehensive statistics submitted. The CM noted the authorities' commitment to monitor closely the implementation and impact of the measures, in particular with regard to the functioning of the remedy and instructed the Secretariat to make a detailed assessment of the action plans. The authorities were invited to keep the CM informed of the outcome of their assessments and any further measures that might be considered necessary.

55. **ROM/Nicolau and ROM/Stoianova and Nedelcu and other similar cases**
(Appl. Nos. 1295/02 and 77517/01 – judgments final on 03/07/2006 and 04/11/2005, DH-DD(2011)900)

Specific decision adopted in December with respect to cases revealing problems of excessive length of civil and criminal proceedings and the lack of effective remedy: the CM noted with satisfaction the Action plan provided in October 2011 and the large-scale legislative measures already taken in 2010 in order to expedite proceedings, notably the adoption of the new Codes of Civil and Criminal Procedure. It called on the authorities to monitor the effects of these reforms as they progress and to present their assessment. As regards effective remedies, it recalled its Recommendation CM/Rec(2010)3 and noted with interest the developments of the case-law of the domestic courts, both as regards compensation claims and acceleration of pending proceedings. It invited, however, the authorities to provide certain clarifications regarding this case-law. It noted with interest that the new Code of Civil Procedure introduces a new remedy aimed at accelerating civil proceedings and invited the authorities to provide a summary of the relevant provisions. CM also requested information whether the introduction of similar remedies is envisaged for criminal proceedings.

56. **RUS/Chernichkin**
(Appl. No. 39874/03 – judgment final on 21/02/2011, DH-DD(2011)664)

Action report received in a case concerning the refusal by a domestic court to examine a claim for compensation for excessively lengthy proceedings, due to the lack of legislation for examination of such claims: besides the publication and large dissemination of the European Court judgment, a new Federal Law "on compensation

for violation of the right to a fair trial within a reasonable time" was adopted on 30 April 2010, already before the present judgment, setting up the required compensation mechanisms.

57. **TUR/Ormancı and other similar cases**
(Appl. No. 43647/98 – judgment final on 21/03/2005)

Information received in response to a group of cases revealing a structural problem of excessively lengthy proceedings. Over and above earlier partial reforms, including the entry into force in 2008 of a new Code of Criminal Procedure and a number of changes to the procedure in administrative law cases (notably before the Council of State), a new Code of Civil Procedure entered into force on 1 October 2011 with the aim of rationalising and speeding up judicial procedures. The Turkish Government also indicated that it has decided to introduce an effective domestic remedy to settle and resolve the issue of unreasonable length of judicial proceedings as far as the cases pending before the Court (including those who will apply as of 23 September 2012). An intention letter was submitted to the Secretary General Thorbjørn Jagland by the Turkish Prime Minister. Developments are being followed by the CM.

58. **UK/Crompton and other similar cases**
(Appl. No. 42509/05 – judgment final on 10/05/2010, CM/ResDH(2011)182)

Final resolution: adequate measures were deemed adopted in response to cases concerning the excessive length of proceedings before the Army Board and the High Court. Changes were made by the Armed Forces Act 2006, which notably reduces the maximum number of stages through which a complaint must pass before reaching the Army Board to two, and requires an independent member for all panels with a wide range of complaints. Moreover, the Ministry of Defence has published detailed procedures and guidelines in relation to handling service complaints.

59. **UKR/Svetlana Naumenko and other similar cases UKR/Merit and other similar cases**
(Appl. No. 41984/98 and 66561/01 – judgments final on 30/03/2005 and 30/06/2004)

Information is awaited and an action plan/report foreseen in response to cases revealing a structural problem of excessive length of civil and criminal proceedings and lack of an effective remedy in this respect. In particular, information is expected on the current state of the proceeding in some cases as well as on measures adopted or under way to accelerate and bring to an end those proceedings which are still pending. In addition, updated information is urgently awaited on the draft legislation under way since 2005 as well as on other measures taken/planned to tackle the problems underlining the violations.

E.2. Lack of access to a court

60. **FRA/Arma**
(Appl. No. 23241/04 – judgment final on 09/07/2007, DH-DD(2011)328)

Action report received indicating that in the government's view adequate measures have been taken in response to a violation of the right of access to court for a company declared bankrupt. Following a change of legislation, such companies may henceforth through their ordinary representatives take such actions as are not comprised in the mandate of the bankruptcy administrator or liquidator, including lodging appeals against bankruptcy declarations. The CM is examining whether the examination of the execution in this case can be closed.

61. **GRC/Pyrgiotakis**
(Appl. No. 15100/06 – judgment final on 29/09/2008, CM/Res(2011)11)

Final resolution: adequate measures were deemed adopted in response to a case concerning the right to a fair trial; notably, the Court of Cassation expressly accepted and incorporated in its case-law the European Court's findings and as a consequence the conviction of a person accused should not arise solely from the conduct and the testimony of the police officer involved in the case who was acting as agent provocateur but should be based on additional, strong evidence.

62. **MON/Garzičić**
(Appl. No. 17931/07 – judgment final on 21/12/2010, CM/ResDH(2011)136)

Final resolution: adequate measures were deemed adopted in response to a case concerning a lack of access to the Supreme Court. In particular, the Supreme Court of Montenegro fully harmonised its case-law with the position of the European Court and adopted the legal position that in such situations every request for appeal on points of law is to be considered admissible. This new legal position was applied in all the cases where the Supreme Court of Montenegro has the power to decide in the procedure upon appeal on points of law.

E.3. No or delayed execution of domestic judicial decisions

63. **ALB/Driza and other similar cases**
(Appl. No. 33771/02 – judgment final on 02/06/2008, CM/Inf/DH(2011)36, DH-DD(2011)316)

Specific decision in March, June and September with respect to cases revealing structural problems relating to restitution of, or compensation for, properties nationalised under the communist regime (notably, the non-execution of final decisions and lack of effective remedies). In its decision in March, the CM recalled its earlier decision from December 2010 and urged again the Albanian authorities to adopt a comprehensive action plan without further delay, based on a comprehensive and coherent strategy and accompanied by a detailed calendar for its implementation. Further to this decision, the Albanian authorities submitted revised action plans in May and August, which are being assessed. In its Decision of

September, the CM welcomed the measures envisaged, it requested some clarifications and it encouraged the authorities to set up a Fund for compensation in kind and to finalise the process of first registration of properties as well as to ensure the existence of a judicial remedy in respect of administrative decisions on compensation claims. Furthermore, the CM requested the authorities to keep it regularly informed on the implementation of the action plan, also in the light of the issues raised.

64. **BIH/Čolić**
(Appl. No. 1218/07– judgment final on 28/06/2010, DH-DD(2011)56, DH-DD(2011)117, DD(2011)359)

Action plan/report received in May in response to a judgment revealing a problem of enforcement of judicial awards of war damages. The plan/report underlines the differences of situation between the two entities (Republika Srpska and Federation of Bosnia and Herzegovina) and in particular the fact that the number of domestic judicial decisions concerned and the size of outstanding debt is drastically higher in Republika Srpska. As regards the Federation, the plan indicates that the stocktaking of outstanding debt is well under way and that the Government sent a Bill to parliament already in December 2010 in order to create the necessary legal framework for its settlement. The deadline for the collection of necessary data on outstanding judgment debt in the Republika Srpska was indicated to expire at the end of December 2011. The implementation of the action plan/report is being followed by the CM.

65. **BIH/Karanović and BIH/Sekerović and Pasalić and other similar cases**
(Appl. No. 39462/03 and 5920/04 – judgments final on 20/02/2008 and 15/09/2011)

Specific decision taken in December with respect to cases revealing different problems relating to discriminations in the enjoyment of pension rights. In its decision, the CM recalled the structural nature of the problem and stressed that the European Court had held in one of the judgments at issue that Bosnia and Herzegovina should secure, before 15 March 2012, the necessary legislative amendments to stop the discrimination, in order to render the applicants and others who are in the same situation eligible to apply, if they so wish, for Federation Fund pensions. The CM accordingly invited the authorities of Bosnia and Herzegovina to secure the amendment of the relevant legislation with a view to resolving this structural problem within the deadline set.

66. **CRO/Kvartuč and CRO/Cvijetić**
(Appl. Nos 4899/02 and 71549/01 – judgments final on 18/02/2005 and 26/05/2004, DH-DD(2011)365)

Action plans/reports were submitted by the Croatian authorities in response to the excessive length of enforcement proceedings. The authorities indicate a number of legislative measures that have been taken. The Enforcement Act, adopted in November 2010, reinforced the role of bailiffs and notaries and diminished the role of the courts, and also abolished the possibility of remittal of a case during enforcement proceedings. The Act on Enforcement of Financial Assets, in force since July 2010, introduced a general register of bank accounts and a financial agency in order to facilitate enforcement against financial assets. The authorities' action plan indicates a number of measures aimed at further increasing the efficiency of enforcement proceedings, in particular in the municipal courts in Zagreb and Split. These measures include *inter alia* delegation of backlog cases to other municipal courts, election of additional judges and clerks in certain courts and computerisation of courts.

67. **GEO/"Iza" Ltd and Makrakhidze, and other similar cases**
(Appl. No. 28537/02 – judgment final on 27/12/2005, CM/ResDH(2011)108)

Final resolution: adequate measures were deemed adopted in response to a case concerning failure to enforce or delayed enforcement of final domestic judgments ordering the state to pay certain sums to the applicant companies; as well as the lack of an effective remedy in this respect. Notably, an annual fund has been voted with a view to reimbursing preceding years' debts and enforcing judicial decisions; reform and modernisation of the enforcement system has been launched; forcible execution of judicial decisions against the state is possible; and compensation in the event of delayed enforcement is provided by law.

68. **GRC/Beka-Koulocheri and other similar cases**
(Appl. No. 38878/03 – judgment final on 06/10/2006, DH-DD(2011)304)

Action plan/report received in March with respect to judgments confirming the continued existence of a problem of non-respect by state administrations of decisions of administrative tribunals notwithstanding the measures indicated by the Greek government in final resolution (2004)81 in the Hornsby group. The consolidated action plan notably stresses the measures taken to ensure the full efficiency of the reform, including the constitutional changes, adopted following the Hornsby case, notably the improvement of the enforcement control exercised by the administrative courts following the decentralisation of this control by new legislation in 2010.

69. **MDA/Olaru and other similar cases**
(Appl. No. 476/07 – judgment final on 12/01/2011)

Specific decision adopted in September with respect to cases revealing problems of state's failure to enforce final domestic judgments awarding social housing rights or money in lieu of housing. In its decision, the CM noted with satisfaction that the Acts providing the domestic remedy called for by the Court's pilot judgment entered into force on 1st July 2011 and cover both excessive length of judicial and enforcement proceedings. The CM encouraged the Moldovan authorities to ensure that the Acts are applied in conformity with the requirements of the Convention and invited the authorities to provide further information on the progress made in the settlement of individual applications frozen by the European Court.

70. **RUS/Burdov No. 2 and RUS/Timofeyev and other similar cases**
(Appl. Nos. 33509/04 and 58263/00 – judgment final on 04/05/2009 and 23/01/2004, Interim Resolution CM/ResDH(2011)293)

Interim resolution adopted in December after CM had followed closely the setting up of an effective domestic compensatory remedy for complaints regarding non-enforcement of judicial decisions against the state, as encouraged by the CM in an earlier interim resolution from 2009 and as indicated by the Court in a pilot judgment adopted shortly afterwards. The new interim resolution noted with satisfaction that the Russian authorities had reacted promptly and that the European Court's assessment of the new remedy indicated that it was effective. The CM noted in this connection with interest the wide set of measures adopted by the Russian authorities, in particular by the federal Supreme Court, by the Supreme Commercial Court, and by the Ministry of Finance and Federal Treasury, including by securing appropriate budgetary arrangements. It welcomed in addition the comprehensive measures taken with a view to settling similar individual applications lodged prior to the pilot judgment, allowing the Court to strike 800 cases from its lists. The CM recalled nevertheless that the Russian Federation remained under the obligation to adopt other general measures, bearing in mind the Court's findings as set out in the pilot judgment, in order to fully address the issue of non-execution of judicial decisions under examination in the context of the Timofeyev group of cases, to which the Burdov No. 2 case was henceforth joined.

71. **SER/EVT Company and other similar cases**

(Appl. No. 3102/05 – judgment final on 21/09/2007, CM/Inf/DH(2010)25, DH-DD(2011)297, DH-DD(2011) 549, DH-DD(2011) 548)

Specific decisions adopted in March and September with respect to cases revealing in particular problems of failures to enforce final court or administrative decisions and the absence of effective remedies. In its September decision the CM noted with satisfaction the adoption and entry into force of the new Enforcement Act, announced at the March meeting, which aimed at accelerating enforcement proceedings and render them more efficient, but recalled that problems related to the non-enforcement of decisions rendered against socially owned companies remained a major issue of concern. The CM nevertheless noted the action plan adopted in respect of employment-related debts of such companies and that the task force established had made a preliminary assessment of the aggregate amount of the debts involved and the number of outstanding final decisions. It concluded by encouraging the Serbian authorities to continue their efforts to implement the action plan, and in particular to adopt, by the end of 2011, a decision on settlement of employment-related debts confirmed by final decisions and owed by socially-owned companies and to resolve other outstanding issues (see memorandum CM/Inf/DH(2010)25), in particular with regard to the enforcement of final demolition orders.

72. **UKR/Yuriy Nikolayevich Ivanov and UKR/Zhovner and other similar cases**

(Appl. Nos. 40450/04 and 56848/00 – judgments final on 15/01/2010 and 29/09/2004, Interim Resolutions CM/ResDH(2008)1, CM/ResDH(2009)159, CM/ResDH(2010)222, CM/ResDH(2011)184, DH-DD(2011)54, DH-DD(2011)757, DH-DD(2011)433 and DH-DD(2011)705)

Interim resolution (September) and specific decisions (March, June, December) adopted with respect to cases revealing violations of the right of access to a court and protection of property on account of the failure or serious delay by the administration and/or state companies in abiding by final domestic judgments and the lack of an effective remedy in this respect. In its Interim resolution the CM recalled that the initial deadline for the execution of the pilot-judgment was extended until 15 July 2011. The CM further noted that, in response to previous Interim resolutions on this issue, the authorities adopted a Draft Law intended to provide an effective domestic remedy and welcomed this adoption. It also strongly encouraged Ukraine to bring the legislative process to an end without further delay given that the deadline of the Court has expired, it called upon the authorities to ensure that the draft law in question meets the principles of the Convention as set out in the Court's case-law in order to constitute an appropriate response to the pilot judgment and urged them to redouble their efforts to resolve without delay similar individual cases lodged with the Court and to keep the CM regularly in-

formed of the solutions reached and of their implementation. By specific decision (December) the CM expressed the deep regret that the necessary measures are still to be taken to execute the pilot judgment. It further noted with concern that the present situation creates a serious threat to the effectiveness of the Convention and of the European Court and invited the Ukrainian authorities to provide urgently with an alternative strategy with a view to fully executing the pilot judgment, should the draft law in question not be adopted in the nearest future.

E.4. Non-respect of the final character of court judgments

73. **RUS/Ryabykh and other similar cases**
(Appl. No. 52854/99 – judgment final on 03/12/2003)

Information provided in a group of cases relating to the excessive possibilities to quash final court judgments (nadzor). Since the Ryabykh judgment, the authorities are engaged in comprehensive reforms of the supervisory review. A first reform took place in 2002 with the adoption of the new Code of Civil procedure. A second was engaged in response to a Ruling of the Russian Constitutional Court in 2007. However, notwithstanding tangible changes, the European Court found in 2009 that the supervisory review under the Civil Code could still not be regarded as compatible with the ECHR. In the meantime, supervisory review under the Code of Commercial Procedure was found to be in compliance with the Convention. A third reform of the Code of Civil Procedure was adopted in December 2010 (entry into force scheduled for 1 January 2012) in order to introduce appeal courts in order to limit the recourse to the supervisory-review procedure. The situation is currently also being assessed by the European Court in the context of certain new cases (see notably the case of Ryabkin and others, No. 2166/08).

E.5. Unfair proceedings – civil rights

74. **GEO/Donadze**
(Appl. No. 74644/01 – judgment final on 07/06/2006, CM/ResDH(2011)63)

Final resolution adopted in a case concerning the breach of the principle of equality of arms on account of the failure by the domestic courts to effectively examine the arguments of an employee in proceedings for compensation against the employer, a public institute (Academy of Sciences). The Court's judgment was translated, published and disseminated to the judiciary with a particular emphasis on the Convention requirements concerning the adequate reasoning of judicial decisions. In its decisions of 2007 and 2008, in disputes similar to that

of the Donadze case, the Supreme Court struck or partially struck decisions of the Tbilisi Court of Appeal, noting that it failed to conduct a complete, objective and impartial examination of the evidence adduced by the parties, and of the incompleteness of the reasoning.

E.6. Unfair proceedings – criminal charge

75. **ALB/Caka; ALB/Berhani; ALB/Laska and Lika and ALB/Xheraj**

(Appl. Nos. 44023/02, 847/05, 12315/04 and 37959/02 – judgments final on 08/03/2010, 04/10/2010, 20/07/2010 and 01/12/2008, DH-DD(2011)846, DH-DD(2011)847 and DH-DD(2011)848)

Specific decisions adopted with respect to a certain number of cases revealing in particular problems of urgent individual measures as a consequence of different violations of the right to fair trial. In a decision taken in March, in particular, the CM noted with satisfaction that the Constitutional Court had ordered the deferment of conviction of one of the applicants who had seen his acquittal revoked in violation of the ECHR. The CM stressed, however, the need to obtain confirmation of the applicant's acquittal, of the deletion of the conviction from his criminal record as well as of the withdrawal by the Albanian authorities of their request for his extradition from Italy. As regards the other cases, the CM noted that the most appropriate form of redress would in principle be a trial de novo or the reopening of the proceedings and urged Albania to act without delay. Following this decision, the Albanian Constitutional Court developed its case law in favour of reopening. In its December decision the CM could thus note that a number of applicants had requested reopening before the Supreme Court and that the requests would be dealt with as a matter of priority. The CM consequently recalled the urgency of providing remedial action and invited Albania to keep it informed about developments. It reiterated an earlier request for information concerning the introduction in the Code of Criminal Procedure of a possibility of reopening following a European Court judgment. As regards general measures, the CM requested in March information in particular on training of judges and other authorities concerned. Several action plans presented in October 2011 announced such training as well as the adoption of additional measures to draw attention to the necessity of avoiding the kinds of violations of the right to fair trial here at issue (notably a Circular from the Chief Prosecutor and two thematic inspections by the High Council of Justice).

76. **GEO/Pandjikidzé and others and GEO/Gorguiladzé**
(Appl. Nos. 30323/02 and 4313/04 – judgments final on 27/01/2010 and 20/01/2010)

Specific decision in March and December with respect to cases revealing problems of ensuring redress for applicants convicted to various prison sentences (3-18 years) by courts "not established by law". In its decision the CM recalled that the Court had indicated that a new trial or reopening of the proceedings on the merits at the applicants' request was in principle an appropriate way to redress the violation found. The CM noted, however, with concern that more than one year after the judgments, no information had been provided by the Georgian authorities. Recalling the CM own Recommendation No. R (2000)2 on the re-examination or reopening of certain cases at domestic level following judgments of the European Court, the CM urged the authorities to inform it of measures taken or envisaged without further delay. According to the Information submitted, the new law foreseen to enter into force in October 2012 in order to allow the kind of reopening of proceedings here at issue would not have retroactive effect, thus requiring additional legislation to cover the applicants' situation. The Georgian authorities proceeded subsequently to the necessary amendments and the CM welcomed the measures taken with a view to the adoption of the legislative amendment to the code of criminal proceedings allowing, as of 1 January 2012, the reopening of criminal proceedings following a judgment of the European Court of Human Rights as well as the transitional provisions allowing applicants concerned by judgments of the Court before that date to request the reopening of proceedings before 1 July 2012.

77. **ROM/Anghel**
(Appl. No. 28183/03 – judgment final on 31/03/2008, CM/ResDH(2011)300)

Final resolution adopted in a case concerning unfairness of criminal proceedings brought by the applicant to challenge a fine imposed on him for having insulted a civil servant, in breach of Law No. 61/1991 on repression of acts of social coexistence and public order. The authorities indicated that the fine was never collected and that reopening of the trial is still possible. As regards general measures, the authorities accepted that whilst violation originated prima facie from inadequate statutory framework, violations of this type could be avoided through the direct effect given to the ECHR case-law. Indeed, this was confirmed both by an inadmissibility decision of the European Court concerning a similar situation and the general trend of the case-law notably giving full effect to the ECHR requirements as regards presumption of innocence and defence rights (including compelling police

agents to bring evidence and by allowing the requests of the defence to produce evidence in court).

78. **TUR/Hulki Güneş and other similar cases**
(Appl. No. 28490/95 – judgment final on 19/09/2003, Interim Resolutions CM/ResDH(2005)113, CM/ResDH(2007)26, CM/ResDH(2007)150, DH-DD(2005)148, DH-DD(2005)494)

Specific decision adopted in March with respect to unfair criminal proceedings (notably owing to statements made by gendarmes or other persons who never appeared before court, or obtained from applicants under duress and in the absence of a lawyer), leading to lengthy prison sentences. In its decision, the CM regretted that it was still not possible for the Turkish authorities to give effect to their intention, announced during the December 2010 CM meeting, to ensure the adoption of the necessary legislative" changes. The CM reiterated its call on the authorities to bring the legislative process enabling the reopening of proceedings also in the applicants' cases to an end without further delay and invited the authorities to keep the CM informed of developments.

From the beginning of its examination of this group of cases, the CM considered that the proceedings in the case of Hulki Güneş required reopening in order to redress the violations found by the European Court. However, the provisions on reopening of proceedings (which entered into force in 2003) are not applicable. Since 2003, the CM has repeatedly urged the Turkish authorities to take the necessary measures (three interim resolutions have been adopted between 2005 and 2007 and two respective Chairmen sent letters to their Turkish counterparts in 2005 and 2006 conveying the CM concerns). In October 2009, the Turkish authorities indicated that "a draft law aimed at allowing the reopening of proceedings in the applicants' cases" had been prepared. Subsequently, the CM was informed that the draft law had been sent to Parliament. However, the draft law has not been adopted. Therefore, in numerous decisions adopted since December 2009, the Committee has reiterated its call on the Turkish authorities to bring the legislative process to an end without any further delay.

F. No punishment without law

79. **GER/M. and other similar cases**
(Appl. No. 19359/04 – judgment final on 10/05/2010, DH-DD(2011)652)

Action plan/report received detailing responses to judgments concerning the retroactive application of legislation on the duration of preventive detention of dangerous criminals after they served the punitive part of their sentences. The plan/report indicates that many of the persons concerned were liberated shortly after the European

Court's judgment but that judicial practice was initially somewhat divergent. The uncertainties were settled by the Constitutional Court in a judgment of May 2011 which declared all relevant provisions of the Criminal Code and the Youth Court Act, as well as those imposing the retroactive prolongation of preventive detention beyond the period initially foreseen in the law, incompatible with the Basic Law. The Constitutional Court indicated that the legislature had until May 2013 to adopt new legislation and that the courts should re-examine *proprio motu* by end December 2011 the lawfulness of detention of all those detained on the basis of the retroactive application of the law. The Constitutional Court indicated on the latter point that, according to the law, continued preventive detention could only be ordered by a court if, *inter alia*, there is a high risk of the person committing most serious crimes and if the person suffers from a mental disorder.

G. Protection of private and family life

G.1. Home, correspondence and secret surveillance

80. **BGR/Association for European Integration and Human Rights and Ekimdzhiev**
(Appl. No. 62540/00 – judgment final on 30/01/2008, DH-DD(2011)252)

Action report received indicating that the government considers that all necessary execution measures have taken in response to a judgment relating to deficiencies in the system set up under the 1997 Special Surveillance Means Act (insufficient guarantees against abuse and absence of effective remedies). The report refers to the amendments made in 2008 to the incriminated Act and to the adoption of a new text shortly after the European Court's judgment regulating the control and use of special surveillance means and setting up an independent commission with special powers within the National Assembly. The report also refers to an amendment in 2009 of the State's and the municipalities' responsibility for damages expressly providing for a right to compensation for persons against whom a surveillance means has been used illegally. The report is under CM examination.

81. **CZE/Heglas**
(Appl. No. 5935/02 – judgment final on 09/07/2007, CM/ResDH(2011)98)

Final resolution: adequate measures were deemed adopted in response to a case concerning interference in the applicant's private life, in the context of a criminal investigation, due to listing his telephone calls and recording his conversations, which were not provided by law: notably, a new article in the Code of Criminal Procedure has been inserted offering a frame to the legal basis allowing the authorities to obtain list of calls in such contexts, this article also states

that a judge, where it is necessary, can make an order granting access to telecommunications data.

82. **NLD/Doerga**
(Appl. No. 50210/99 – judgment final on 27/07/2004, CM/ResDH(2011)137)

Final resolution: the CM deemed that adequate measures had been adopted in response to a case concerning unlawful interference in the applicant's private life, due to his conviction on the basis of the improper use of information obtained through the interception of a telephone conversation while he was in prison. In particular, new provisions were introduced in 2005, which were elaborated further by a Regulation of 2010, concerning the monitoring of prisoners' telephone conversations in judicial institutions. This Regulation, which entered into force on 1 January 2011, details the rules applicable to the recording of telephone conversations of detainees in prison, including as regards the stocking of the records and their use.

G.2. Respect of physical or moral integrity

83. **CRO/A.**
(Appl. No. 55164/08 – judgment final on 14/01/2011, DH-DD(2011)613)

Action plan/report submitted by the Croatian authorities tackling the issue of the inadequate protection of the applicant against violence from her former husband, due to the failure to implement measures ordered by national courts (in view of addressing the psychiatric condition of the aggressor). A number of legislative measures have been taken between 2009 and 2010: the Law on Domestic Violence, the Law on the Execution of Imprisonment, the Probation Act and the Minor Offences Act were amended. The new Criminal Code (expected for adoption by end of 2011) redefined family-related crimes by considering them as of particular gravity and introduced new protective measures against perpetrators of family-related crimes (e.g. obligatory psycho-social treatment, prohibition to approaching the victim, removal from the household, supervision of a full execution of a prison sentence). The revised Criminal Procedure Act, in force since October 2011, provides now broader protection to violence victims. Since 2008, the Rules of Procedure in Family Violence Cases set up the obligation of all relevant authorities to secure 24-hour availability of experts involved in proceedings concerning domestic violence. Moreover, the Croatian authorities have also taken measures to address psychiatric conditions of aggressors by significantly increasing the number of experts licensed to conduct psycho-social treatments. In 2010, relevant ministries concluded a co-operation agreement on prevention and suppression of domestic violence and vio-

lence toward women, in accordance with which were set up interdepartmental teams to monitor the authorities' work on cases of domestic violence. In 2011, the authorities adopted the national strategy for 2011-2016 for protection against domestic violence.

84. **IRL/A., B. and C.**
(Appl. No. 25579/05 – judgment final on 16/12/2010, DH-DD(2011)480)

Action plan submitted regarding action to remedy the absence of any legislative or regulatory regime providing an accessible and effective procedure to establish whether lawful abortion is available when there is a real and serious risk to the life of the mother. The CM took formal note of the plan shortly afterwards, in September, it underlined the importance of putting in place substantive measures to execute the judgment and invited the authorities to keep the CM informed in relation to the steps taken under the timetable set out in the action plan.

G.3. Disclosure or retention of information in violation of privacy

85. **UK/S. and Marper**
(Appl. No. 30562/04 – judgment final on 04/12/2008)

Specific decision adopted in June with respect to a case revealing problems of retention of cellular samples, fingerprints and DNA profiles, in connection with arrest for offences which ultimately never resulted in any conviction. In its decision, the CM noted that the authorities had submitted an action plan relying on the Protection of Freedoms Bill, expected to be passed by Parliament in early 2012. The CM welcomed that the new proposals provide new limitations in response to the European Court's judgment in that they foresee that cellular samples should be retained for a maximum of six months from the date on which they were obtained and that a time-limit of three years for the retention of fingerprints and DNA profiles should be introduced, with a possible, single extension of two years upon application of the police to the national courts. The CM nevertheless noted that evidence on how the time-limit was selected would be welcome and that information should also be provided on consideration of the special treatment of minors in this context. It also invited the authorities also to provide information on the measures to implement the judgment in Northern Ireland.

G.4. Establishment of paternity

86. **RUS/Shofman**
(Appl. No. 74826/01 – judgment final on 24/02/2006, CM/ResDH(2011)150)

Final resolution: the CM deemed that adequate measures were had been adopted to fill the legal gap revealed by the rejection, as time-barred, of a claim challenging the legal presumption of paternity. In fact, insofar as the new Family Code of 1996 did not contain transitional

provisions, the Plenary Supreme Court had considered that the former code of 1969, with its prescription rules, should continue to be applied in respect of children born before 1996. In order to rule out this interpretation and thus allow for the application of the new code – which does not set any time-limits to challenge a presumption of paternity – to children born before 1996, the Supreme Court has disseminated the European Court judgment to all lower courts in view of its direct application in the application of Russian law.

G.5. Placement of children in public care, custody and access rights

87. **CZE/Reslová and other similar cases**
(Appl. No. 7550/04 – judgment final on 18/10/2006, CM/ResDH(2011)99)

Final resolution: the CM deemed that adequate measures had been adopted in response to cases concerning parental rights and visiting rights. Notably, the Code of Civil Procedure has been amended and a specific Act on social and legal protection of children entered into force, with a view to ensure speedy decision making in proceedings concerning children, mediation and peaceful settlement of disputes between parents.

88. **GER/Anayo**
(Appl. No. 20578/07 – judgment final on 21/03/2011, DH-DD(2011)797)

Action plan/report received in response to a judgment relating to the refusal of the German courts to consider the question of the applicant's access rights for the sole reason that he was not legally recognised as father. The action plan indicates that the Government is prepared to enter into an examination of the question of statutory reform of access rights, for the benefit of established biological fathers, but that a coherent solution for the whole complex of rules governing access and descent rights of biological fathers requires a joint and full account also of other cases pending before the Court – especially the *Ahrens* and *Kautzor* cases against Germany.

H. Freedom of religion

89. **BGR/Hasan and Chaush and BGR/Supreme Holy Council of the Muslim Community**
(Appl. Nos 30985/96 and 39023/97 97 – judgments final on 26/10/2000 and 16/03/2005, CM/ResDH(2011)193)

Final resolution: the CM deemed that adequate measures had been adopted in response to cases concerning unjustified interferences in the internal organisation of the divided Bulgarian Muslim community, between 1995 and 1997, due to the replacement of its recognised leadership and to the manner in which the executive participated in the organisation of a conference aimed to unify this community. Notably, a new Act entered into force and a judicial body is now competent to register religious communities wishing to obtain legal personality.

I. Freedom of expression and information

90. **ARM/Meltex and Mesrop Movsesyan**
(Appl. No. 32283/04 – judgment final on 17/09/2008, CM/ResDH(2011)39)

Final resolution adopted in a case concerning insufficient guarantees against arbitrariness in the system delivering broadcasting licences of the National Television and Radio Commission (NTRC), which refused on several occasions, between 2002 and 2003, to deliver a broadcasting licence to a company, without any motivation. Besides translation, publication and wide dissemination of the European Court's judgment in this case, the amendments to the Television and Radio Broadcasting Act were adopted on 10 June 2010. Henceforth, the NTRC decisions shall be properly substantiated and reasoned. In addition, the Government Agent indicated in an official statement that Radio Broadcasting Act should be interpreted in accordance with Article 10 of the ECHR.

91. **AZE/Mahmudov and Agazade and AZE/Fatullayev**
(Appl. Nos 35877/04 and 40984/07 – judgment final on 18/03/2009 and 04/10/2010, DH-DD(2011)1078)

Specific decisions adopted in March, June and December with respect to cases revealing problems of the use of prison sentences for defamation and arbitrary application of anti-terror legislation to sanction journalists, including urgent individual measures in respect of one of the applicants. In its December decision the CM was able to close the issue of individual measures in all cases, in particular as a result of the quashing of the impugned convictions in the Fatullayev case combined with a Presidential pardon. The call for an action plan on general mesasures led to the submission of such a plan in November 2011 notably announcing a number of awareness raising and training measures as well as a public discussion on possible amendments to the defamation law. At the December meeting the CM invited the Azerbaijani authorities to complete the information provided in their action plan and to closely co-operate with the Secretariat in that respect.

92. **ROM/Dălban and other similar cases**
(Appl. No. 28114/95 – judgment final on 28/09/1999, CM/ResDH(2011)73)

Final resolution: the CM deemed that adequate measures had been adopted in response to cases concerning the criminal convictions of journalists for insult and/or defamation and the disproportionate nature of the sanctions imposed to them, including the automatic ban on the exercise of parental rights imposed on persons sentenced to imprisonment. Notably, a new Law decriminalised insult and defamation, thus abolishing also prison sentences; as a result, the ban on the exercise of certain rights under the Criminal Code and the security meas-

ures provided therein can no longer be imposed in similar cases.

93. **TUR/Incal and other similar cases**
(Appl. No. 22678/93 – judgment final on 09/06/1998)

Information received: regarding the pursuit of legislative reform and training activities in response to numerous judgments finding violations of freedom of expression. A special co-operation program was also established in 2011, with HRTF support, between the Council of Europe and Turkish authorities. The CM is following developments.

J. Freedom of assembly and association

94. **MKD/Association of citizens Radko and Paunkovski**
(Appl. No. 74651/01 – judgment final on 15/04/2009)

Specific decision in June with respect to a case revealing problems of individual and general measures to remedy the unjustified dissolution by the Constitutional Court of an association shortly after its foundation. The CM noted that new proceedings had been engaged to obtain registration of the association and invited the authorities to keep it informed of their outcome. As to general measures, it noted with interest that a new law on associations and foundations was adopted in April 2010 and instructed the Secretariat to provide it with an assessment of this law.

95. **GRC/Bekir Ousta and other similar cases**
(Appl. No. 35151/05 – judgment final on 11/01/2008)

Specific decision in December with respect to cases relating to registration refusal or dissolution of associations because of their aim to promote the idea of the existence of an ethnic minority in Greece as opposed to the religious minority provided by the Lausanne Treaty. The CM took note of the information that all the applications lodged requesting the revocation of the decisions of national courts rendered prior to the judgments of the European Court had been rejected at the second level of jurisdiction, but noted that a hearing had taken place before the Court of Cassation in October in one case. The CM also noted that the recent case-law of the Court of Cassation could lead to an examination of the merits of the applicants' request. Finally, the CM recalled the firm commitment of the Greek authorities to implementing fully and completely the judgments under consideration without excluding any avenue in that respect and invited them to keep the CM informed of the outcome of the proceedings pending before the Court of Cassation.

K. Protection of Property

K.1. Expropriations, nationalisations

96. **ARM/Minasyan and Semerjyan and other similar cases**
(Appl. No. 27651/05 – judgment final on 07/09/2011)

Information received with respect to a group of cases revealing shortcomings owing to unlawful expropriation or termination of leases: an action plan is under preparation by the authorities.

97. **CRO/Ćosić and CRO/Paulić**
(Appl. Nos. 28261/06 and 3572/06 – judgments final on 05/06/2009 and 01/03/2010, CM/ResDH(2011)48)

Final resolution adopted in cases concerning a disproportionate interference with the applicants' right to respect for their home in that the domestic courts ordered them to vacate flats owned by the state, in breach of any procedural safeguards in proceedings for their eviction. The Croatian Constitutional Court changed its case-law by a decision of 2007 finding expressis verbis that any interference with the right to peaceful enjoyment of possessions should comply with the principles of rule of law, public interest and proportionality, and stressed the obligation of domestic courts to implement the ECHR. The CM considered that direct effect of the ECHR in Croatia as well as the publication and wide dissemination of the judgments to the relevant courts should be adequate to prevent similar violations.

98. **FRA/Joubert**
(Appl. No. 30345/05, judgment final on 10/12/2009, DH-DD(2011)577)

Action report received indicating that in the government's view adequate execution measures have been adopted in response to a judgment relating to a law validating ex post factum a number of fiscal controls carried out by administrative authorities outside their lawfully designed territories. The report indicates that the case law of the Council of State and of the Court of Cassation have converged with that of the European Court so that such validating legislation is henceforth acceptable only if there is an imperious general interest to affect a right protected by the ECHR. In addition, the case-law of the Constitutional Council has taken a similar position. In addition, the Council of State's case-law as regards the state's responsibility for legislative acts has also converged with that of the European Court in that damages have been awarded persons who have been exposed to the type of "validation" laws here at issue.

99. **PRT/Carvalho Acabado and other similar cases**
(Appl. No. 30533/03 – judgment final on 15/02/2006)

Information is awaited and an action plan/report foreseen in response to cases raising the problem of inadequate compensation for land expropriated under the agrarian reform of 1975, including as regards the general measures aimed at terminating pending national proceedings.

100. **ROM/Strain and others and ROM/Maria Atanasiu and others and other similar cases**
(Appl. Nos. 57001/00 and 30767/05 – judgments final on 30/11/2005 and 12/01/2011, DH-DD(2011)907, DH-DD(2011)908 and DH-DD(2011)1039)

Specific decisions adopted in June and December with respect to cases revealing problems of a large-scale systemic problem of restitution/compensation of nationalised property (notably its sale by the state without securing compensation for legitimate owners, delay or failure to enforce administrative decisions ordering restitution/compensation of such property). In June, the CM welcomed the high-level *Round Table* organised in Bucharest on nationalised property/restitution and the general measures required to comply with the European Court's judgments. It noted with interest its conclusions as regards the good practices to be followed in the field. In its December decision, the CM took note of the revised action plan provided and noted with interest the proposals of legislative amendments intended to enhance the effectiveness of the restitution and compensation process, as well as the corresponding calendar. The CM further invited the Romanian authorities to present, as soon as possible, a copy of the draft law drawn in this context, to specify the scheduled date for the entry into force of the envisaged reform and to clarify the data concerning the progress of the compensation and restitution process.

K.2. Disproportionate restrictions to property rights

101. **BIH/Jeličić and other similar cases**
(Appl. No. 41183/02 – judgment final on 31/01/2007, DH-DD(2011)730)

Action reports received indicating that the government considers all necessary execution measures taken in response to judgments revealing a structural problem in that legislation prohibited the administration from enforcing final court decisions, including decisions of the Human Rights Chamber, ordering banks to release "old savings" (foreign currency savings deposited prior to the dissolution of the Socialist Federative Republic of Yugoslavia). The report indicates that new legislation has been adopted and that there are no longer any obstacles to the enforcement of such court decisions in any of the Republic's constituent parts and that the payment procedures are under way. The report is being examined by the CM.

102. **BIH/Đokić**
(Appl. No. 6518/04 – judgment final on 04/10/2010, DH-DD(2011)259)

Action plan/report received in response to a judgment disclosing major structural and complex problems in the Federation of Bosnia and Herzegovina relating to the ownership of numerous military apartments, taken from members of the former Yugoslav People's Army in the aftermath of the war in Bosnia and Herzegovina. Pursuant to the action plan of March 2011, the authorities are currently taking measures to identify the number of cases concerned. The authorities would notably need to refer to the authorities of Serbia and Montenegro and request from them missing documentation concerning these military apartments, which might have been taken there during the war. As a final step, the authorities would take legislative measures to ensure that similar violations are prevented. The CM is following developments.

103. **BIH/Suljagić**
(Appl. No. 27912/02 – judgment final on 03/02/2010, CM/ResDH(2011)44)

Final resolution adopted in a pilot-judgment concerning the deficient implementation of the legislation on "old" foreign currency savings deposited prior to the dissolution of the Socialist Federative Republic of Yugoslavia. To execute the pilot judgment, the Federation issued in 2009 and 2010 government bonds for repayment of "old" foreign currency savings, paid the outstanding instalments, extended the deadlines for obtaining verification certificates of "old" foreign currency savings, and decided to pay default interest in the event of late payment of any forthcoming instalment. The judgment has also been translated into all official languages of Bosnia and Herzegovina, published and widely disseminated, notably to the relevant judicial and governmental authorities. Subsequently, the European Court closed the pilot-judgment procedure applied in respect of the applications concerning "old" foreign currency savings (see decision in the case of Zadrić, Application No. 18804/04).

104. **GEO/Klaus and Yuri Kiladze**
(Appl. No. 7975/06 – judgment final on 02/05/2010)

Transfer to standard procedure in June of a case concerning the state's failure to ensure adoption of the necessary implementing texts of a 1997 law providing for compensation to victims of political repression. In its decision, the CM noted with satisfaction the action plan submitted according to which in April two draft laws were being discussed before Parliament with implementation by the Tbilisi court expected to begin in May 2011. The first draft law amends the 1997 law in order to ensure effective compensation to victims, the second one amends the Code of Administrative Proceedings in order

to organise the practical modalities of granting such compensation. The CM, noting that the first amendment had been adopted in April, found that the action plan was being implemented within the foreseen timeframe and decided therefore to transfer the case to the standard supervision procedure.

105. **HUN/Lánchíd Hitel és Faktor Zrt**
(Appl. No. 40381/05 – judgment final on 02/02/2011, DH-DD(2011)642)

Action plan/report submitted in response to a judgment relating to the legal impossibility for private companies who had acquired tax debts under the old 1990 Tax regulations to recover those debts, in case of insolvency of the debtors, from the State-owned Hungarian Privatisation and State Holding Company which had ceded the claims, although the case-law established that the latter bore vicarious liability for the debts. The law has since been changed so that such debts can also be enforced on the basis of vicarious liability. The question of closure of supervision is being examined by the CM.

106. **POL/Hutten-Czapska and other similar cases**
(Appl. No. 35014/97 – judgment final on 28/04/2008)

Transfer to standard supervision procedure in June of a pilot-judgment revealing a structural problem identified by the European Court and relating in particular to the disproportionate effects for landlords of a rent control system. The CM noted with satisfaction the measures taken and the approval these had received by the European Court in subsequent cases, thus allowing the Court to close the pilot judgment procedure. The CM found this fact to justify the transfer. The CM noted, however, that the temporal scope of the reforms left situations continuing after 2005 unresolved and that the European Court had indicated that these matters continued to fall under the CM competence. It thus invited the authorities to provide further information on these questions.

107. **TUR/Fener Rum Erkek Lisesi and other similar cases**
(Appl. No. 34478/97 – judgment final on 09/04/2007, DD-DH(2011)769)

Final action report submitted indicating that in the Government's view adequate measures have been taken in response to judgments revealing problems of peaceful enjoyment of possessions of certain religious minority community foundations governed by the Lausanne Treaty of 1923, as a result of a judicial decision of 1974 allowing the State Treasury to annul without compensation property titles lawfully acquired by these foundations after 1936 and take possession itself. Besides the publication and the wide dissemination of the judgments of this group, the authorities have taken a series of legislative measures, including a new Law on Foundations enacted in February 2008. This law allows non-Muslim communities to maintain and reg-

ister their property rights or, if these have been annulled, to request their restitution. In August 2011, a decree supplemented the above law with provisions for compensation of communities who could not recover their properties because these had been acquired and registered by third parties. The question of possible closure of the matter is under examination by the CM.

L. Right to education

108. **CRO/Oršuš and others**
(Appl. No. 15766/03 – judgment final on 16/03/2010, CM/InfDH(2011)46)

Specific decisions adopted in March and December with respect to cases revealing discrimination problems against Roma children placed in Roma-only classes allegedly on the basis of their inadequate command of the Croatian language. In its December decision, the CM noted with satisfaction the measures taken by the Croatian authorities to abolish separate classes for Roma children and integrate them into mainstream education and invited the authorities to keep it informed of the concrete results obtained. The CM considered however that further efforts were needed. It invited the authorities to clarify the measures taken or envisaged to combat high drop-out rates of Roma children in primary schools, including the active involvement of social services in ensuring their school attendance.

M. Electoral rights

109. **AUT/Frodl**
(Appl. No. 20201/04 – judgment final on 04/10/2010, CM/ResDH(2011)91)

Final resolution adopted in a case concerning disproportionate disenfranchisement of a prisoner, based on provisions of the domestic legislation (Section 22 of the National Assembly Election Act) which did not meet all the disenfranchisement criteria set out by the European Court, notably that such a decision should be taken by a judge taking into account the specific circumstances of the case, and that there must be a link between the offence committed and issues relating to elections and democratic institutions. The Austrian authorities have amended the Electoral Code in June 2011 (in force since October 2011), which new provisions fully respect the abovementioned criteria set out by the Court. Moreover, an additional safeguard has been incorporated into the Code of Criminal Procedure, stipulating that disenfranchisement is to be decided upon in the criminal judgment and that this decision, being taken on an equal footing with the sentence, can be subject to appeal.

110. **BIH/Sejdić and Finci**
(Appl. No. 27996/06 – judgment final on 22/12/2009, Interim Resolution CM/ResDH(2011)291, DH-DD(2011)915)

Interim Resolution adopted in December as regards the impossibility for Jews or Roma to stand for election to the second chamber of parliament and to the Presidency of Bosnia and Herzegovina due to the lack of affiliation to any of the three constituent peoples. In this Interim Resolution, which followed up the specific decisions adopted in March, in June and in September, the CM reiterated its call on the authorities and political leaders to take the necessary measures aimed at eliminating discrimination against those who are not affiliated with a constituent people in standing for elections and to bring its constitution and electoral legislation in conformity with the Convention without any further delay. In this context it encouraged the Joint Interim Commission to make tangible progress and present the amendments required, taking into account the relevant opinions of the Venice Commission. The authorities had earlier informed the CM in October that the deadline for proposals to amend the Constitution expired on 30 November 2011 while the one to amend the Election Law expired on 31 December 2011.

111. **LIT/Paksas**
(Appl. No. 34932/04 – judgment final on 24/07/2008, DH-DD(2011)484)

Action plan/report received in response to a judgment relating to the consequences of impeachment proceedings brought against Lithuania's former president, including a permanent disqualification from the possibility to stand for elections. The plan/report indicates that the Government approved in June 2011 the proposals of a working group set up by the Prime Minister shortly after the European Court's judgment. The main avenue for redress both for individual and general measures was indicated to be a change of the Constitution. As a motion for such a change may be submitted only by a group of parliamentarians representing a quarter of all the members of the Parliament or not less then 300 000 voters, the Government decided to publicly announce the conclusions of the working group and to transmit them to the Parliament with an indication of Lithuania's obligations under Article 46 of the ECHR.

112. **UK/Hirst No. 2 and UK/Greens and M.T.**
(Appl. Nos. 74025/01 and 60041/08 – judgments final on 06/10/2005 and 11/04/2011, Interim resolution CM/ResDH(2009)160, DH-DD(2011)679)

Specific decisions adopted in March, June and September with respect to cases revealing problems of a blanket ban on voting automatically imposed on convicted persons detained in prison. In its September decision, the CM recalled the pilot judgment in the Greens and M.T. case, according to which the authorities had until 11 October 2011 to introduce legislative proposals with a view to enacting an electoral law complying with the

Court's judgments in Hirst No. 2 and Greens and M.T. cases, but that this time limit had been extended to 6 months after the Grand Chamber judgment in Scoppola No. 3 case against Italy. In the light hereof, the CM decided to postpone its examination and to resume it after the Scoppola No. 3 judgment would be rendered. In the meantime the authorities were invited to keep the CM informed of any further developments.

N. Discrimination

113. **CZE/D.H.**
(Appl. No. 57325/00 – judgment final on 13/11/2007, DH-DD(2011)1164, DH-DD(2011)439, CM/Inf/DH(2010)47)

Specific decisions adopted in June and December with respect to a case revealing problems of discrimination in the enjoyment of the right to education due to the assignment of Roma children to special schools (designed for children with special needs including those suffering from a mental or social handicap). In its June decision, the CM noted with concern that considerable progress remained to be achieved on the ground and stressed the importance of the authorities' intensifying and if possible, speeding up the implementation of their action plan adopted to secure inclusion of Roma children in the education system in a non-discriminatory manner. In its December decision, the CM welcomed the legislative and regulatory developments which had intervened to better protect against discrimination in education and to implement the action plan: notably two amended decrees adopted in spring and entered into force in September 2011. The CM also noted with interest that the Government was preparing a number of legislative changes for the purpose of enhancing an inclusive environment and welcomed the authorities' intention to monitor the impact of the two decrees and encouraged them to make a detailed assessment that might be taken into account in the current legislative preparations and to ensure that the anticipated effects of the legal framework are fully realised. It furthermore encouraged the authorities to pursue their efforts and invited them to keep the CM up to date in detail of all developments, including as regards the impact of the two decrees on the school year 2011-2012, the developments made in the legislative work, the conclusions of the ongoing reflection and the actual results achieved on the ground.

114. **GER/Niedzwiecki and Okpisz**
(Appl. No. 58453/00 and 59140/00 – judgment final on 15/02/2006, CM/ResDH(2011)111)

Final resolution adopted in a case concerning impossibility for foreign temporary residents to receive in 1994 - 1995 child allowances on an equal basis with permanent foreign residents under the applicable federal law on family allowances. On 6 July 2004, the Federal Constitutional Court held that Section 1(3) of the Child Benefits Act, had been incompatible at the relevant time with the right to equal treatment under Article 3 (1) of the German Basic Law and invited the legislator to amend the Child Benefits Act. On 1 January 2006 a new law concerning entitlement of foreigners to child benefits entered into force retroactively and eliminated the shortcomings found by the European Court. Moreover, it contains provisions for all cases concerning decisions on child benefits taken between 1 January 1994 and 18 December 2006 and which have not yet become final.

115. **GRC/Saidoun and GRC/Fawsie**
(Appl. Nos. 4080/07 and 40083/07 – judgment final on 28/01/2011, DH-DD(2011)629)

Action reports received indicating that the government considers all necessary execution measures taken in response to judgments revealing a discrimination in the enjoyment of family allowances by families of foreigners (the applicants were Lebanese and Syrian refugees) lawfully installed in the country. The action report of August indicates that the nationality requirement has progressively been alleviated so as to encompass among those entitled also citizens of EU countries, EEA countries and officially recognised refugees such as the applicants. The question of possible closure of the supervision of the cases is under examination by the CM.

116. **ROM/Moldovan and other similar cases**
(Appl. No. 41138/98 – judgment final on 30/11/2005, DH-DD(2011)503, DH-DD(2011)708, DH-DD(2011)596, DH-DD(2011)581), CM/Inf/DH(2011)37)

Specific decision adopted in September with respect to cases revealing violations related to the consequences of racially-motivated violence, between 1990 and 1993, against villagers of Roma origin, notably the improper living conditions following the destruction of their homes. The CM took note with interest of the Memorandum CM/Inf/DH(2011)37 based on the action plan provided by the Romanian authorities in June 2011. It welcomed in particular the envisaged establishment of an interdepartmental working group responsible for the periodic reassessment of the situation in this group of cases, with a view to identifying and adopting additional measures, if necessary. The CM further noted with satisfaction the submission of a revised action plan which appears to address some of the outstanding issues identified in the Memorandum and invited the Romanian authorities to regularly inform the CM of the progress

achieved in its implementation. Finally, the CM decided to declassify the Memorandum CM/ Inf/DH(2011)37.

117. **RUS/Alekseyev**
(Appl. No. 4916/07 – judgment final on 11/04/2011, DH-DD(2011)842)

"Interim action report" received in October in response to a case relating to the Moscow authorities' ban on "the Pride March" and picketing in favour of homosexuals' rights in 2006, 2007 and 2008 and enforcement of the ban by dispersing events held without authorisation and by finding participants who had breached the ban guilty of an administrative offence: reference is made to the wide publication and dissemination made, notably to relevant Moscow authorities, in order to prevent similar violations; to the details of the advance notice regime provided for under law 54Z, to new procedural rules for the handling of advance notices of public events adopted by the Moscow authorities in 2008, to the right to have a judicial review within 10 days and to the developments of the case-law of the Plenum of the Supreme Court in 2009 as regards the kind of actions entitling to judicial review and to the new 2010 law on compensation for excessively lengthy proceedings. In view of these developments no additional action plan is indicated to be necessary. The interim action report is being examined by the CM.

O. Co-operation with the European Court and respect of right to individual petition

118. **ITA/Ben Khemais and ITA/Trabelsi**
(Appl. No. 246/07 and 50163/08 – judgments final on 06/07/2009 and 13/07/2010, Interim resolution CM/ResDH(2010)83)

Specific decision adopted in March in cases regarding notably violations of the right of individual petition because of non-respect of Rule 39 indications that expulsions to Tunisia should not take place in view of the risks faced by the applicants there. Following the CM Interim Resolution CM/ResDH(2010)83, urging the authorities to take all necessary steps, positive developments were noted in the form of recent case-law and a circular letter of the Ministry of Justice to all Italian courts of appeal stressing the importance of compliance with the European Court judgment. Questions as to the effectiveness of these measures remained, however, outstanding. In its March decision, the CM recalled that, according to the European Court's well-established case-law, Article 34 of the Convention entails an obligation on states to comply with interim measures indicated pursuant to Rule 39 of the Rules of the Court and stressed again the fundamental importance of complying with such indications. It moreover reiterated its request of examples demonstrat-

ing that Rule 39 indications were now respected in practice. It also requested information on the results of the Ministry of Justice's examination of court of appeal practices and on measures envisaged to create a mechanism to ensure that the authorities are rapidly informed of Rule 39 indications. The CM also invited the Italian authorities to provide, to the maximum extent possible, information on the applicants' situation in Tunisia. Information remained awaited as of 31/12/2011.

119. **UKR/Naydyon**
(Appl. No. 16474/03 – judgment final on 14/01/2011, DH-DD(2011)677)

Action plan received with respect to a case concerning the authorities' failure to ensure that a prisoner, without legal assistance and source of income, was provided with possibility of obtaining copies of documents which were needed to substantiate his application before the European Court. Besides the publication and dissemination of the judgment, the European Court's conclusions were submitted to the Cabinet of Ministers of Ukraine which instructed relevant authorities to take measures to remedy and prevent similar violations. Moreover, the Ukrainian authorities are currently assessing the need of any legislative measures in this respect.

120. **UK/Al-Saadoon and Mufdhi**
(Appl. No. 61498/08 – judgment final on 04/10/2010, DH-DD(2011)356)

Specific decision adopted in June with respect to urgent individual measures in a case concerning the United Kingdom authorities' decision to transfer the applicants to Iraqi custody to stand trial for war crimes despite an indication by the Court under Rule 39 of its Rules that the applicants should not be removed from British custody The CM recalled that although the applicants had eventually been acquitted, the Iraqi court might, until April 2012, reopen the investigations should new evidence come to light. The CM welcomed that the United Kingdom authorities considered that the applicants no longer faced a risk of death penalty, but invited them to continue to keep the CM fully informed of all relevant developments. An action plan was also received in which no general measures were deemed necessary in this "unusual" case since the government had always made great efforts to comply with Rule 39 indications, the failure in the present case being due to special circumstances acknowledged, although not accepted, by the European Court. Effective remedies were also in place as a result of the creation of the Supreme Court, including possibilities to obtain speedily a stay of the transfer order.

P. Interstates case(s)

121. **TUR/Cyprus**
(Appl. No. 25781/94 – judgment final on 10/05/2001, Interim resolutions CM/ResDH(2005)44 and CM/ResDH(2007)25)

Specific decision adopted in December in the interstate case *Cyprus v. Turkey*, in which the Court in 2001 found fourteen violations in relation to the situation in the northern part of Cyprus since the military intervention by Turkey in July and August 1974 concerning:

- Home and property of displaced persons;
- Living conditions of Greek Cypriots in Karpas region of the northern part of Cyprus ("the enclaved part");
- Greek-Cypriot missing persons and their relatives;
- Rights of Turkish Cypriots living in the northern part of Cyprus.

Following the adoption of certain measures, the CM has closed its examination of a number of the above issues – see Interim resolutions (2005)44 and (2007)25.

In the decision the CM:

1. in respect of the question of the homes and property of displaced Greek Cypriots, took note of the request of the Cypriot delegation to the CM, to suspend its examination of this question until the Court has pronounced itself on their recent application under Article 41 of the Convention;

2. decided to continue its discussion on this question, along with that related to the property rights of enclaved persons at its 1136th DH meeting (March 2012);

3. in respect of the question of missing persons, renewed with insistence its calls on the Turkish authorities to ensure the Committee on Missing Persons (CMP) access to all relevant information and places without impeding the confidentiality essential to the carrying-out of its mandate, to inform the Committee of the measures envisaged in the continuity of the CMP's work with a view to the effective investigations required by the judgment and to provide responses to the questions posed by the Committee;

4. deeply regretted the refusal of Turkey to participate in the discussions and called on the defendant state to fully co-operate with the Committee;

5. decided to take up this question again at its 1136th DH meeting (March 2012).

Appendix 3: Other important developments in 2011

Sharing experiences – major events

Two multilateral round tables were held in the course of the year, the first one on *"Property restitution/compensation: General measures to comply with the European Court's Judgments"* in Bucharest in February 2011 and the second one on *"Efficient domestic capacity for rapid execution of judgments of the European Court of Human Rights"* in Tirana in December 2011.

1. Property restitution/compensation: General measures to comply with the European Court of Human Rights' Judgments – Bucharest, 17 February 2011

Organised by the Romanian authorities and the Department for the Execution of judgments of the European Court of Human Rights with financial support from the Human Rights Trust Fund under the project "Removing obstacles to the enforcement of domestic court judgments/Ensuring an effective implementation of domestic court judgments".

Conclusions

The participants of the Round Table underlined the complexity of the economic, social and political context in which States have had to, and still have to, take decisions with respect to properties nationalised by former communist regimes; most notably regarding the extent to which restitution of such properties should be allowed or monetary compensation be accorded instead.

The discussions highlighted the delicate problems facing the different national authorities concerned, in particular in ensuring a fair balance between the private interests involved and the interest of the community.

The representatives of the participating States stressed that they were fully aware of the large-scale systemic problems triggered by the dysfunction of several restitution or compensation mechanisms set up. They also acknowledged the risk these systemic problems pose for the effectiveness of the Convention mechanism as a result of the significant number of repetitive cases being brought before the European Court.

The representatives of the States concerned conveyed the determination of their authorities to tackle efficiently, and as a matter of urgency, the structural problems involved and in particular those already revealed in the different judgments of the European Court. In accordance with the principle of subsidiary, the debates put special emphasis on the obligation to establish effective domestic remedies so as to avoid persons affected seeking redress directly from the European Court.

During the different sessions the participants recalled that in its case-law relating to restitution or compensation for properties nationalised before 1989, the Court had notably underlined that:

- the national authorities have a considerable margin of appreciation in matters concerning restitution or compensation, and in particular that the Convention does not impose any obligation on States to restore or to compensate for properties affected by the kind of nationalisations in question;
- if a State decides to accept responsibility for such earlier nationalisation, it retains the freedom to determine the scope of the right to restitution and also a large margin of appreciation in deciding the level of compensation in the absence of restitution; relevant factors for the latter include the State's financial situation and the general political context. Difficult State finances and/or the fact that responsibility is assumed in the context of a radical reform of the State's political and economic system may thus justify stringent limitations on compensation;

It was also noted that as both restitution and compensation may affect a number of other rights under the Convention, enjoyed both by the beneficiaries themselves and by good-faith third persons, the original compensation and/or restitution schemes and subsequent efforts to rectify possible shortcomings required careful consideration in order to avoid additional findings of violations of the Convention (related mainly to Article 6 of the Convention or to Article 1 of Protocol 1).

The participants of the Round Table stressed the importance of States concerned sharing their experiences and taking into account existing good practices whenever enacting or implementing legislation providing for restitution or for compensation for property nationalised before 1989, or when overhauling already existing mechanisms. Good practices referred to in the course of the discussions included :

- carrying out impact assessments and carefully examining possible financial implications of planned restitution and/or compensation schemes before adopting or modifying relevant legislation;
- securing adequate political support for proposals made as well as adequate coordination between all actors concerned;
- ensuring the existence of transparent and effective systems of property registration;
- adopting clear and simple legal frameworks for restitution and/or compensation schemes, based on coherent state policies and avoiding frequent changes to the legislation which may lead to legal uncertainty;
- setting – wherever full *restitutio in integrum* was deemed impossible – either a cap on compensation awards, payments in instalments over a longer period of

time, or some other form which allows budgetary processes to provide the necessary funds (bonds, shares….); this helps strike the fair balance required between the interests of all involved, including former owners, current tenants or owners and the general interest of the community;

- ensuring the transparency of the schemes with a view to enhancing public confidence;
- ensuring that legislative frameworks be accompanied, from the outset, with appropriate administrative and budgetary measures and means to guarantee the effective implementation, within clearly set time limits, of the restitution and/or compensation schemes set up;
- ensuring through well considered and clear legal provisions and adequate training (including in the requirements of the Convention), a uniform and foreseeable application of the schemes set up by courts and administrative authorities;
- guaranteeing the availability of judicial review of administrative decisions taken and securing effective enforcement of all final decisions relating to property restitution and/or compensation, be they administrative or judicial;
- providing for effective remedies, with retroactive effect where necessary, for all allegations of violations of relevant Convention Articles, most importantly of Article 1 of Protocol 1 and of Article 6 of the Convention, and in particular in all situations of major dysfunction of the restitution and compensation mechanism;
- ensuring regular exchanges of information with the Convention organs on developments in the establishment and implementation of the schemes in order to ensure optimal interaction between the European and the national levels.

2. Efficient domestic capacity for rapid execution of judgments of the European Court of Human Rights – Tirana, 15-16 December 2011

Organised by the Department for the Execution of judgments of the European Court of Human Rights with the financial support from the Human Rights Trust Fund under the project "Removing the obstacles to the enforcement of domestic court judgments/Ensuring an effective implementation of domestic court judgments".

Conclusions

The participants of the Round Table underlined that the responsibility for the execution of judgments of the European Court of Human Rights (hereinafter "the Court") lies with Member States. They also stressed the importance of States sharing their experiences and taking into account existing good practices to ensure effective execution in order to optimise any reform work.

The discussions highlighted that the Committee of Ministers' Recommendation (2008)2 provides useful guidance to the Member States for strengthening domestic capacity for rapid execution of the Court's judgments. The Recommendation has become even more important in the light of the increase of the number of cases

requiring execution and the new working methods adopted by the Committee of Ministers in December 2010.

It was also recalled that Recommendation (2008)2 inscribes itself in the series of Recommendations adopted by the Committee of Ministers since 2000 to assist states in improving the domestic implementation of the Convention and of the Court's judgments.[26]

Recent developments

Participants welcomed achievements made in the areas covered by Recommendation (2008)2. They noted in particular the different procedures developed in order to provide, without delay, action plans for the execution process and to follow their implementation.

Participants noted the range of approaches developed at domestic level for the rapid execution of the Court's judgments. Strengths and weaknesses were identified in different approaches but it was agreed that no single approach provided the model solution.

Encouraging developments of cooperation and consultations between different authorities concerned were presented as well as efforts undertaken to improve awareness of the Convention requirements. The necessity of further improvements was underlined, notably regarding selection of relevant case-law including against other states. In this context, the decision of the Human Rights Trust Fund to fund a major translation project of the Court is a welcome development.

Participants noted with interest that the necessity of a coordinator had been accepted in all contracting states and that the work of the coordinators, most frequently the Government agents or their offices, had considerably developed since the adoption of Recommendation (2008)2. Moreover, it emerged from discussions that clear and express support from the highest state organs, including at the political level, was frequently of great importance for successful cooperation with other authorities involved in the execution process.

Participants also noted with satisfaction that the practice of action plans had now been generally accepted.

The Execution Department's longstanding practice of providing, where requested, support and advise as to different execution issues, was also recognised.

26. Recommendation (2000)2 on the re-examination or reopening of certain cases at domestic level following judgments of the European Court of Human Rights, Recommendation (2002)13 on the publication and dissemination in the member states of the text of the European Convention on Human Rights and of the case-law of the European Court of Human Rights, Recommendation (2004)4 on the European Convention on Human Rights in university education and professional training, Recommendation (2004)5 on verification of the compatibility of draft laws, existing laws and administrative practice with the standards laid down in the European Convention on Human Rights and Recommendation (2004)6 on the improvement of domestic remedies.

The Round Table

The replies to the questionnaire and the active discussions at the Round Table identified a number of activities that could assist significantly in enhancing domestic capacity. These included:

1. Synergies among national actors involved in the execution process

a) appointing, at the national and regional level (specifically in federal states), Human Rights liaison officers in all ministries, capable of rapidly organising the responses to the Court's judgments within their areas of responsibility and, wherever possible, organising regular meetings of liaison officers from different authorities to discuss issues related to the execution;

b) providing support for the drawing up of action plans through the setting-up of inter-ministerial committees, working groups and/or tasks forces, in particular in cases revealing major structural and/or complex problems;

c) providing adequate support to the coordinator to establish contacts, in particular at high level, with all relevant domestic authorities, including with the judiciary;

d) keeping parliaments, in particular relevant parliamentary committees, informed of developments concerning the execution of judgments, for example through the practice of preparing annual reports, with a view to enhanced parliamentary involvement in the execution process (such as questions to the governments, debates and hearings);

e) promoting dialogue, including through informal meetings, in particular between the coordinator and the highest judicial authorities as well as other domestic courts;

f) promoting stronger involvement in the execution process by ombudspersons, human rights institutions, non-governmental organisations and other actors of the civil society;

2. Visibility of and awareness about the execution process

a) ensuring that appropriate action plans are produced without delay and implemented and that the execution process receives adequate publicity;

b) setting up adequately resourced mechanisms for the selection and translation into state language(s) of the Court's case law – where appropriate in extract or analytical summaries – relevant for the execution process, including also judgments against other states;

c) ensuring adequate government backed dissemination and publication of relevant judgments, Committee of Ministers' decisions and resolutions relevant to the execution process;

d) establishing, wherever possible, cooperation amongst states to share translated judgments;

e) stepping up efforts to raise awareness of relevant case-law from the Court and the execution process amongst the executive authorities, parliaments, the judiciary and lawyers, through initial or in-service training, seminars, round tables, university programs, periodic or *ad hoc* publications;

3. Role and means for the coordinator

a) ensuring that all relevant authorities are well acquainted with the state's obligations under Article 46 of the European Convention on Human Rights to abide by the final judgments of the Court in all cases to which they are parties;

b) ensuring that the role of the coordinator is clearly defined, if appropriate, in legislative or regulatory acts, or through established working methods, including the necessary authority to pursue full and rapid execution of judgments;

c) ensuring adequate human and financial resources for the coordinator and the relevant authorities involved in the execution process to carry out effectively their tasks;

4. Effective cooperation between domestic authorities and the Council of Europe

a) ensuring rapid and efficient information flow between the Committee of Ministers and the domestic authorities through Permanent Representations to the Council of Europe and/or coordinators;

b) encouraging participation of coordinators in the Committee of Ministers' (DH) meetings;

c) promoting consultations between the domestic authorities and the Execution Department as such consultations provide an opportunity to discuss problems faced by the domestic authorities and the expectations regarding possible implementation measures;

d) promoting visits to Strasbourg by relevant domestic authorities, in particular higher judicial authorities and chief prosecutors, to exchange views on the Committee of Ministers supervision process and execution procedures.

Appendix 4: Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of the friendly settlements

(Adopted by the Committee of Ministers on 10 May 2006 at the 964th meeting of the Ministers' Deputies)

Decision adopted at the 964th meeting of the Committee of Ministers – 10 May 2006

The Deputies

1. adopted the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements as they appear at Appendix 4 to the present volume of Decisions and agreed to reflect this decision in the report "Ensuring the continued effectiveness of the European Convention on Human Rights – The implementation of the reform measures adopted by the Committee of Ministers at its 114th Session (12 May 2004)" and in the draft Declaration on "Sustained action to ensure the effectiveness of the implementation of the European Convention on Human Rights at national and European levels";
2. decided, bearing in mind their wish that these Rules be applicable with immediate effect to the extent that they do not depend on the entry into force of Protocol No. 14 to the European Convention on Human Rights, that these Rules shall take effect as from the date of their adoption, as necessary by applying them mutatis mutandis to the existing provisions of the Convention, with the exception of Rules 10 and 11.

Following the last ratification required for the entry into force of Protocol No. 14 to the European Convention on Human Rights in February 2010, Rules 10 and 11 have taken effect on 1st June 2010.

I. General provisions

Rule 1

1. The exercise of the powers of the Committee of Ministers under Article 46, paragraphs 2 to 5, and Article 39, paragraph 4, of the European Convention on Human Rights, is governed by the present Rules.
2. Unless otherwise provided in the present Rules, the general rules of procedure of the meetings of the Committee of Ministers and of the Ministers' Deputies shall apply when exercising these powers.

Rule 2

1. The Committee of Ministers' supervision of the execution of judgments and of the terms of friendly settlements shall in principle take place at special human rights meetings, the agenda of which is public.
2. If the chairmanship of the Committee of Ministers is held by the representative of a High Contracting Party which is a party to a case under examination, that representative shall relinquish the chairmanship during any discussion of that case.

Rule 3

When a judgment or a decision is transmitted to the Committee of Ministers in accordance with Article 46, paragraph 2, or Article 39, para-graph4, of the Convention, the case shall be inscribed on the agenda of the Committee without delay.

Rule 4

1. The Committee of Ministers shall give priority to supervision of the execution of judgments in which the Court has identified what it considers a systemic problem in accordance with Resolution Res (2004) 3 of the Committee of Ministers on judgments revealing an underlying systemic problem.
2. The priority given to cases under the first paragraph of this Rule shall not be to the detriment of the priority to be given to other important cases, notably cases where the violation established has caused grave consequences for the injured party.

Rule 5

The Committee of Ministers shall adopt an annual report on its activities under Article 46, para-graphs2 to 5, and Article 39, paragraph 4, of the Convention, which shall be made public and transmitted to the Court and to the Secretary General, the Parliamentary Assembly and the Commissioner for Human Rights of the Council of Europe.

II. Supervision of the execution of judgments

Rule 6
Information to the Committee of Ministers on the execution of the judgment

1. When, in a judgment transmitted to the Committee of Ministers in accordance with Article 46, paragraph 2, of the Convention, the Court has decided that there has been a violation of the Convention or its protocols and/or has awarded just satisfaction to the injured party under Article41 of the Convention, the Committee shall invite the High Contracting Party concerned to inform it of the measures which the High Contracting Party has taken or intends to take in consequence of the judgment, having regard to its obligation to abide by it under Article 46, paragraph 1, of the Convention.
2. When supervising the execution of a judgment by the High Contracting Party concerned, pursuant to Article 46, paragraph 2, of the Convention, the Committee of Ministers shall examine:
   a. whether any just satisfaction awarded by the Court has been paid, including as the case may be, default interest; and
   b. if required, and taking into account the discretion of the High Contracting Party concerned to choose the means necessary to comply with the judgment, whether:
   i. individual measures[27] have been taken to ensure that the violation has ceased and that the injured party is put, as far as possible, in the same situation as that party enjoyed prior to the violation of the Convention;
   ii. general measures[28] have been adopted, preventing new violations similar to that or those found or putting an end to continuing violations.

Rule 7
Control intervals

1. Until the High Contracting Party concerned has provided information on the payment of the just satisfaction awarded by the Court or concerning possible individual measures, the case shall be placed on the agenda of each human rights meeting of the Committee of Ministers, unless the Committee decides otherwise.

27. For instance, the striking out of an unjustified criminal conviction from the criminal records, the granting of a residence permit or the reopening of impugned domestic proceedings (see on this latter point Recommendation Rec (2000) 2 of the Committee of Ministers to member states on the re-examination or reopening of certain cases at domestic level following judgments of the European Court of Human Rights, adopted on 19 January 2000 at the 694th meeting of the Ministers' Deputies).

28. For instance, legislative or regulatory amendments, changes of case-law or administrative practice or publication of the Court's judgment in the language of the respondent state and its dissemination to the authorities concerned.

2. If the High Contracting Party concerned informs the Committee of Ministers that it is not yet in a position to inform the Committee that the general measures necessary to ensure compliance with the judgment have been taken, the case shall be placed again on the agenda of a meeting of the Committee of Ministers taking place no more than six months later, unless the Committee decides otherwise; the same rule shall apply when this period expires and for each subsequent period.

Rule 8
Access to information

1. The provisions of this Rule are without prejudice to the confidential nature of the Committee of Ministers' deliberations in accordance with Article 21 of the Statute of the Council of Europe.

2. The following information shall be accessible to the public unless the Committee decides otherwise in order to protect legitimate public or private interests:

a. information and documents relating thereto provided by a High Contracting Party to the Committee of Ministers pursuant to Article 46, paragraph 2, of the Convention;

b. information and documents relating thereto provided to the Committee of Ministers, in accordance with the present Rules, by the injured party, by non-governmental organisations or by national institutions for the promotion and protection of human rights.

3. In reaching its decision under paragraph 2 of this Rule, the Committee shall take, inter alia, into account:

a. reasoned requests for confidentiality made, at the time the information is submitted, by the High Contracting Party, by the injured party, by non-governmental organisations or by national institutions for the promotion and protection of human rights submitting the information;

b. reasoned requests for confidentiality made by any other High Contracting Party concerned by the information without delay, or at the latest in time for the Committee's first examination of the information concerned;

c. the interest of an injured party or a third party not to have their identity, or anything allowing their identification, disclosed.

4. After each meeting of the Committee of Ministers, the annotated agenda presented for the Committee's supervision of execution shall also be accessible to the public and shall be published, together with the decisions taken, unless the Committee decides otherwise. As far as possible, other documents presented to the Committee which are accessible to the public shall be published, unless the Committee decides otherwise.

5. In all cases, where an injured party has been granted anonymity in accordance with Rule 47, paragraph 3 of the Rules of Court; his/her anonymity shall be preserved during the execution process unless he/she expressly requests that anonymity be waived.

Rule 9
Communications to the Committee of Ministers

1. The Committee of Ministers shall consider any communication from the injured party with regard to payment of the just satisfaction or the taking of individual measures.

2. The Committee of Ministers shall be entitled to consider any communication from non-governmental organisations, as well as national institutions for the promotion and protection of human rights, with regard to the execution of judgments under Article 46, paragraph 2, of the Convention.

3. The Secretariat shall bring, in an appropriate way, any communication received in reference to paragraph 1 of this Rule, to the attention of the Committee of Ministers. It shall do so in respect of any communication received in reference to paragraph 2 of this Rule, together with any observations of the delegation(s) concerned provided that the latter are transmitted to the Secretariat within five working days of having been notified of such communication.

Rule 10
Referral to the Court for interpretation of a judgment

1. When, in accordance with Article 46, paragraph 3, of the Convention, the Committee of Ministers considers that the supervision of the exe-cution of a final judgment is hindered by a problem of interpretation of the judgment, it may refer the matter to the Court for a ruling on the question of interpretation. A referral decision shall require a majority vote of two thirds of the representatives entitled to sit on the Committee.

2. A referral decision may be taken at any time during the Committee of Ministers' supervision of the execution of the judgments.

3. A referral decision shall take the form of an Interim Resolution. It shall be reasoned and reflect the different views within the Committee of Ministers, in particular that of the High Contracting Party concerned.

4. If need be, the Committee of Ministers shall be represented before the Court by its Chair, unless the Committee decides upon another form of representation. This decision shall be taken by a two-thirds majority of the representatives casting a vote and a majority of the representatives entitled to sit on the Committee.

Rule 11
Infringement proceedings

1. When, in accordance with Article 46, paragraph 4, of the Convention, the Committee of Ministers considers that a High Contracting Party refuses to abide by a final judgment in a case to which it is party, it may, after serving formal notice on that Party and by decision adopted by a majority vote of two-thirds of the representatives entitled to sit on the Committee, refer to the Court the question whether that Party has failed to fulfil its obligation.

2. Infringement proceedings should be brought only in exceptional circumstances. They shall not be initiated unless formal notice of the Committee's intention to bring such proceedings has been given to the High Contracting Party concerned. Such formal notice shall be given ultimately six months before the

lodging of proceedings, unless the Committee decides otherwise, and shall take the form of an Interim Resolution. This resolution shall be adopted by a majority vote of two-thirds of the representatives entitled to sit on the Committee.

3. The referral decision of the matter to the Court shall take the form of an Interim Resolution. It shall be reasoned and concisely reflect the views of the High Contracting Party concerned.

4. The Committee of Ministers shall be represented before the Court by its Chair unless the Committee decides upon another form of representation. This decision shall be taken by a two-thirds majority of the representatives casting a vote and a majority of the representatives entitled to sit on the Committee.

III. Supervision of the execution of the terms of friendly settlements

Rule 12
Information to the Committee of Ministers on the execution of the terms of the friendly settlement

1. When a decision is transmitted to the Committee of Ministers in accordance with Article 39, paragraph 4, of the Convention, the Committee shall invite the High Contracting Party concerned to inform it on the execution of the terms of the friendly settlement.

2. The Committee of Ministers shall examine whether the terms of the friendly settlement, as set out in the Court's decision, have been executed.

Rule 13
Control intervals

Until the High Contracting Party concerned has provided information on the execution of the terms of the friendly settlement as set out in the decision of the Court, the case shall be placed on the agenda of each human rights meeting of the Committee of Ministers, or, where appropriate,[29] on the agenda of a meeting of the Committee of Ministers taking place no more than six months later, unless the Committee decides otherwise.

Rule 14
Access to information

1. The provisions of this Rule are without prejudice to the confidential nature of the Committee of Ministers' deliberations in accordance with Article 21 of the Statute of the Council of Europe.

2. The following information shall be accessible to the public unless the Committee decides otherwise in order to protect legitimate public or private interests:

   a. information and documents relating thereto provided by a High Contracting Party to the Committee of Ministers pursuant to Article 39, paragraph 4, of the Convention;

29. In particular where the terms of the friendly settlement include undertakings which, by their nature, cannot be fulfilled within a short time span, such as the adoption of new legislation.

b. information and documents relating thereto provided to the Committee of Ministers in accordance with the present Rules by the applicant, by non-governmental organisations or by national institutions for the promotion and protection of human rights.

3. In reaching its decision under paragraph 2 of this Rule, the Committee shall take, inter alia, into account:

   a. reasoned requests for confidentiality made, at the time the information is submitted, by the High Contracting Party, by the applicant, by non-governmental organisations or by national institutions for the promotion and protection of human rights submitting the information;

   b. reasoned requests for confidentiality made by any other High Contracting Party concerned by the information without delay, or at the latest in time for the Committee's first examination of the information concerned;

   c. the interest of an applicant or a third party not to have their identity, or anything allowing their identification, disclosed.

4. After each meeting of the Committee of Ministers, the annotated agenda presented for the Committee's supervision of execution shall also be accessible to the public and shall be published, together with the decisions taken, unless the Committee decides otherwise. As far as possible, other documents presented to the Committee which are accessible to the public shall be published, unless the Committee decides otherwise.

5. In all cases, where an applicant has been granted anonymity in accordance with Rule 47, paragraph 3 of the Rules of Court; his/her anonymity shall be preserved during the execution process unless he/she expressly requests that anonymity be waived.

Rule 15
Communications to the Committee of Ministers

1. The Committee of Ministers shall consider any communication from the applicant with regard to the execution of the terms of friendly settlements.

2. The Committee of Ministers shall be entitled to consider any communication from non--governmental organisations, as well as national institutions for the promotion and protection of human rights, with regard to the execution of the terms of friendly settlements.

3. The Secretariat shall bring, in an appropriate way, any communication received in reference to paragraph 1 of this Rule, to the attention of the Committee of Ministers. It shall do so in respect of any communication received in reference to paragraph 2 of this Rule, together with any observations of the delegation(s) concerned provided that the latter are transmitted to the Secretariat within five working days of having been notified of such communication.

IV. Resolutions

Rule 16
Interim Resolutions

In the course of its supervision of the execution of a judgment or of the terms of a friendly settlement, the Committee of Ministers may adopt Interim Resolutions, notably in order to provide information on the state of progress of the execution or, where appropriate, to express concern and/or to make suggestions with respect to the execution.

Rule 17
Final resolution

After having established that the High Contracting Party concerned has taken all the necessary measures to abide by the judgment or that the terms of the friendly settlement have been executed, the Committee of Ministers shall adopt a resolution concluding that its functions under Article 46, paragraph 2, or Article 39 paragraph 4, of the Convention have been exercised.

Appendix 5: Recommendation CM/Rec(2008)2 of the Committee of Ministers to member states on efficient domestic capacity for rapid execution of judgments of the European Court of Human Rights

(Adopted by the Committee of Ministers on 6 February 2008 at the 1017th meeting of the Minis-ters' Deputies)

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

a. Emphasising High Contracting Parties' legal obligation under Article 46 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (hereafter referred to as "the Convention") to abide by all final judgments of the European Court of Human Rights (hereinafter referred to as "the Court") in cases to which they are parties;

b. Reiterating that judgments in which the Court finds a violation impose on the High Contracting Parties an obligation to:

   – pay any sums awarded by the Court by way of just satisfaction;

   – adopt, where appropriate, individual measures to put an end to the violation found by the Court and to redress, as far as possible, its effects;

   – adopt, where appropriate, the general measures needed to put an end to similar violations or prevent them.

c. Recalling also that, under the Committee of Ministers' supervision, the respondent state remains free to choose the means by which it will discharge its legal obligation under Article 46 of the Convention to abide by the final judgments of the Court;

d. Convinced that rapid and effective execution of the Court's judgments contributes to enhancing the protection of human rights in member states and to the long-term effectiveness of the European human rights protection system;

e. Noting that the full implementation of the comprehensive package of coherent measures referred to in the Declaration "Ensuring the effectiveness of the implementation of the European Convention on Human Rights at national and European levels", adopted by the Committee of Ministers at its 114th Session (12 May 2004), is inter alia intended to facilitate compliance with the legal obligation to execute the Court's judgments;

f. Recalling also that the Heads of State and Government of the member states of the Council of Europe in May 2005 in Warsaw underlined the need for an accelerated and full execution of the judgments of the Court;

g. Noting therefore that there is a need to reinforce domestic capacity to execute the Court's judgments;

h. Underlining the importance of early information and effective co-ordination of all state actors involved in the execution process and noting also the importance of ensuring within national systems, where necessary at high level, the effectiveness of the domestic execution process;

i. Noting that the Parliamentary Assembly recommended that the Committee of Ministers induce member states to improve or, where necessary, to set up domestic mechanisms and procedures – both at the level of governments and of parliaments – to secure timely and effective implementation of the Court's judgments, through co-ordinated action of all national actors concerned and with the necessary support at the highest political level[30];

j. Noting that the provisions of this recommendation are applicable, mutatis mutandis, to the execution of any decision[31] or judgment of the Court recording the terms of any friendly settlement or closing a case on the basis of a unilateral declaration by the state;

Recommends that member states:

1. 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 need be, take or initiate relevant measures to accelerate the execution process;
2. ensure, whether through their Permanent Representation or otherwise, the existence of appropriate mechanisms for effective dialogue and transmission of relevant information between the co-ordinator and the Committee of Ministers;
3. take the necessary steps to ensure that all judgments to be executed, as well as all relevant decisions and resolutions of the Committee of Ministers related to those judgments, are duly and rapidly disseminated, where necessary in translation, to relevant actors in the execution process;
4. identify as early as possible the measures which may be required in order to ensure rapid execution;
5. facilitate the adoption of any useful measures to develop effective synergies between relevant actors in the execution process at the national level either

30. Parliamentary Assembly Recommendation 1764 (2006) – "Implementation of the judgments of the European Court of Human Rights".

31. When Protocol No. 14 to the ECHR has entered into force.

generally or in response to a specific judgment, and to identify their respective competences;

6. rapidly prepare, where appropriate, action plans on the measures envisaged to execute judgments, if possible including an indicative timetable;
7. take the necessary steps to ensure that relevant actors in the execution process are sufficiently acquainted with the Court's case law as well as with the relevant Committee of Ministers' recommendations and practice;
8. disseminate the *vade mecum* prepared by the Council of Europe on the execution process to relevant actors and encourage its use, as well as that of the database of the Council of Europe with information on the state of execution in all cases pending before the Committee of Ministers;
9. as appropriate, keep their parliaments informed of the situation concerning execution of judgments and the measures being taken in this regard;
10. where required by a significant persistent problem in the execution process, ensure that all necessary remedial action be taken at high level, political if need be.

Appendix 6 : Where to find further information on execution of the ECtHR judgments

Further information on the supervision by the CM of the execution of ECtHR judgments, on the cases mentioned in the Annual reports as well as on all other cases is available on the web sites of the CM and of the Execution Department.

Such information comprises notably:

- Summaries of violations in cases submitted for execution supervision
- Summaries of the developments of the execution situation ("state of execution")
- Memoranda and other information documents submitted by states or prepared by the Secretariat
- Action plans/reports
- Communications from applicants
- Communications from NGO's and NHRI's
- Decisions and Interim Resolutions adopted
- Various reference texts

On the CM website ("Human rights meetings") – **www.coe.int/cm** – the information is in principle presented **by meeting or otherwise in chronological order**.

The special Council of Europe website dedicated to the execution of the ECtHR's judgments, kept by the Department for the Execution of Judgments of the ECtHR (Directorate General of Human Rights and Rule of Law – DG1) – **www.coe.int/execution** – contains notably a presentation of pending cases, in the form of **overviews sortable by state, type of supervision procedure, type of violation and date of judgment**.

As a general rule, information concerning the state of progress of the adoption of the execution measures required is published shortly after each HR meeting.

The text of resolutions adopted by the CM can also be found through the HUDOC database on **www.echr.coe.int**.

Appendix 7 : Human Rights meetings and Abbreviations

A. CM'S HR meetings in 2010 and 2011

Meeting No.	Meeting Dates
1078	02-04/03/2010
1086	01-03/06/2010
1092	13-14/09/2010
1100	30/11/2010-03/12/2010
1108	08-10/03/2011
1115	07-09/06/2011
1120	13-14/09/2011
1128	29/11/2011-02/12/2011

B. General abbreviations

AR 2007-10	Annual Report 2007-2010
Art.	Article
CDDH	Steering Committee on Human Rights
CM	Committee of Ministers
CMP	Committee on Missing Persons in Cyprus
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
ECHR	European Convention on Human Rights and Fundamental Freedoms
European Court	European Court of Human Rights
HRTF	Human Rights Trust Fund
GM	General Measures
HR	"Human Rights" meeting of the Ministers' Deputies
IM	Individual Measures
IR	Interim Resolution
NGO	Non-governmental organisation
NHRI	National Human Rights Institutions
Prot.	Protocol
Sec.	Section
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees

C. Country codes[32]

ALB	Albania	LIT	Lithuania
AND	Andorra	LUX	Luxembourg
ARM	Armenia	MLT	Malta
AUT	Austria	MDA	Republic of Moldova
AZE	Azerbaijan	MCO	Monaco
BEL	Belgium	MON	Montenegro
BIH	Bosnia and Herzegovina	NLD	Netherlands
BGR	Bulgaria	NOR	Norway
CRO	Croatia	POL	Poland
CYP	Cyprus	PRT	Portugal
CZE	Czech Republic	ROM	Romania
DNK	Denmark	RUS	Russian Federation
EST	Estonia	SMR	San Marino
FIN	Finland	SER	Serbia
FRA	France	SVK	Slovak Republic
GEO	Georgia	SVN	Slovenia
GER	Germany	ESP	Spain
GRC	Greece	SWE	Sweden
HUN	Hungary	SUI	Switzerland
ISL	Iceland	MKD	"The former Yugoslav Republic of Macedonia"
IRL	Ireland	TUR	Turkey
ITA	Italy	UKR	Ukraine
LVA	Latvia	UK.	United Kingdom
LIE	Liechtenstein		

32. These codes result from the CMIS database, used by the Registry of the European Court of Human Rights, and reproduce the ISO 3166 codes, with a few exceptions (namely: Croatia = HRV; Germany = DEU; Lithuania = LTU; Montenegro = MNE; Romania = ROU; Switzerland = CHE; United Kingdom = GBR).

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