



# SUPERVISION OF THE EXECUTION OF JUDGMENTS AND DECISIONS OF THE EUROPEAN COURT OF HUMAN RIGHTS 2022



COUNCIL OF EUROPE  
**COMMITTEE OF MINISTERS**

16th Annual Report  
of the Committee of Ministers

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OF MINISTERS  
COMITÉ  
DES MINISTRES

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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OF JUDGMENTS AND DECISIONS**  
OF THE EUROPEAN COURT  
OF HUMAN RIGHTS

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**2022**

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In the context of the procedure launched under Article 8 of the Statute of the Council of Europe, the Committee of Ministers decided that the Russian Federation ceased to be a member of the Council of Europe as from 16 March 2022. On 23 March 2022, it adopted the Resolution CM/Res(2022)3 on legal and financial consequences of the cessation of membership of the Russian Federation.





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**Iceland**  
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**Latvia**  
**Mr Jānis KĀRKLIŅŠ**

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

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In 2022, war returned to Europe with the aggression by the Russian Federation against Ukraine. As observed by the Irish Presidency, this has brought into sharp relief a founding principle of the Council of Europe “that the pursuit of peace based upon justice and international cooperation is vital for the preservation of human society and civilisation”. The focus of the Irish Presidency on protecting human rights in the most challenging of contexts was therefore fully apt.

In light of the fact that the Russian Federation stopped participating in the system of the supervision of the execution of judgments following its expulsion from the Council of Europe despite its continuing obligation to execute the judgments of the Court, the Committee put in place innovative strategies to continue the treatment of cases against the Russian Federation. Key elements of those strategies included increased contact with Russian civil society and other international bodies, in particular those of the United Nations. Further, following up the invitation from the Committee at its December Human Rights meeting on the treatment of Russian cases, the Secretary General wrote to the Russian Minister of Foreign Affairs, Sergey Lavrov to draw attention to the Committee’s decisions adopted at that meeting. This gave increased visibility to prominent cases requiring action by the Russian Federation such as the immediate release of Alexei Navalnyy, ending repressive measures against the community of Jehovah’s witnesses in Russia, payment of the just satisfaction in the interstate cases brought by Georgia against Russia, and measures to remedy various violations of the Convention in the Transnistrian region of the Republic of Moldova.

The Committee has also recognised the achievements of the Ukrainian authorities who, throughout 2022, continued to work on the supervision of the execution of the judgments against Ukraine in extremely difficult circumstances, demonstrating commitment to the Convention system through the submission of Action plans and reports in many pending cases. In this context, the Committee adopted a decision to end its supervision of the *Bochan No. 2* case against Ukraine following the resolution of a structural problem with the creation of a legal mechanism which enabled applicants to request a review of domestic judgments found in violation of the right to a fair trial.



As highlighted in the Overview of Major Developments by the Director General of the Directorate General of Human Rights and the Rule of Law, the cases under supervision of execution demonstrate increasing complexity. It seems likely that more challenges will come before the Committee as the European Court has announced various inter-state cases pending before it relating to the aggression against Ukraine along with thousands of individual applications. The conference organised by the Irish Presidency in Galway in September 2022 “Lighting the Shade: Effective application of the ECHR in contested European territories” proved to be extremely timely in generating reflection on such issues.

The exceptional proceedings initiated by the Committee under Article 46 § 4 of the Convention in the case of *Kavala v Türkiye* in 2021 continued in 2022, as Mr Kavala remained detained. On 2 February, the Committee referred to the Court the question whether Türkiye had failed to fulfil its obligations under the Convention to respect the judgment in that case. The Minister for Foreign Affairs of Ireland visited Ankara in June 2022, and the case was raised by him with his Turkish counterpart, Minister Mevlüt Çavuşoğlu. The Grand Chamber gave its decision on 11 July finding that by failing to release Mr Kavala, the Turkish authorities had violated their obligation under Article 46 § 1 of the Convention. The same day, the Minister of Foreign Affairs of Ireland, the then Chair of the Committee of Ministers, the Secretary General and the President of the Parliamentary Assembly of the Council of Europe made a joint statement welcoming the judgment and renewing their call for the immediate release of Mr Kavala. In August, the Minister of State for European Affairs of Ireland, Minister Thomas Byrne, met his Turkish counterpart and raised the case. In September, Minister Coveney met with his Turkish counterpart Minister Mevlüt Çavuşoğlu to discuss Mr Kavala’s continuing detention. The Committee of Ministers continued to follow the case closely at its weekly and Human Rights meetings and established a Liaison Group of Ambassadors to assist the Chair in engaging with the Turkish authorities.

These various initiatives continued under the Icelandic Presidency of the Human Rights meetings. The Liaison Group met regularly and heard directly from Mr Kavala’s legal representatives and his wife. Supported also by technical meetings with the Secretariat, the Liaison Group has remained in close contact with the authorities concerning a possible high-level meeting, which is now expected to take place.

Whilst 2022 saw many challenges, as the Annual report outlines there were also important achievements, not least the Committee’s closure of 200 leading cases. Many major advances in the execution of judgments are set out in the report. They cover a wide variety of topics from ensuring effective investigations into war crimes during the Croatian Homeland War (1991-1995), to ensuring the lawfulness of judicial appointments to the Icelandic Court of Appeal and eliminating discriminatory provisions which automatically attributed the use of the father’s surname only to children born in Italy. This is to name but a few. The country-by-country overview which is included as a new addition to the annual report is a welcome step to increasing the visibility on the progress made.

However, as the report indicates whilst the number of pending cases in 2022 remained relatively stable, the incoming cases pose increasing challenges and are arriving in greater numbers. Over the year, the Committee has achieved results due

not least to the extensive cooperation and outreach work done by the Department for the Execution of Judgments, detailed in this report. The roundtable on “Effective national coordination: a key factor in reinforcing the domestic capacity for rapid execution of ECHR judgments” organised under the aegis of the Irish Chairmanship of the Human Rights meetings, attended by national coordinators on the execution of judgments and aimed at fostering an open and constructive, peer-to-peer exchange of views, was an important element in that work.

Given the challenges ahead, the efforts deployed in 2022 will need to continue and even be reinforced in 2023. As the Icelandic Presidency has stated, in this critical moment we must return to fundamental principles and the framework that has kept us together. Every country is needed to safeguard the multilateral system which has been the basis of peace and democratic stability since World War II. There can be no more powerful commitment to the multilateral system and the Convention values than by ensuring all the judgments of the Court are executed.

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Ms Ragnhildur ARNLJÓTSDÓTTIR

Latvia  
Mr Jānis KĀRKLIŅŠI





Mr Christos GIAKOUMOPOULOS

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

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### Introduction

2022 was marked by the full-fledged aggression of the Russian Federation against Ukraine, in flagrant violation of the Council of Europe Statute. This dramatic event also affected the Convention system, including the execution of the European Court's judgments. The Russian Federation ceased to be a member of the Council of Europe as from 16 March 2022 and a Party to the Convention as from 16 September 2022. However, as emphasised in the Committee of Ministers' resolutions and decisions, under international law the Russian Federation remains bound to fully execute all the European Court's judgments delivered against it, and the Committee of Ministers continues to supervise these judgments (on the supervision of execution of these cases, see below section A).

The war of aggression suffered by Ukraine had also adverse effects on its capacity to promptly execute the Court's judgments. However, Ukraine made significant advances (see below section B), and, through multiple meetings and regular submission of action plans and reports, demonstrated its ongoing commitment to the Convention standards and determination to further enhance the execution process in close cooperation with the Council of Europe.

As regards the Committee of Ministers' supervisory role more generally, with the support and advice provided by the Department for the Execution of Judgments of the European Court of Human Rights (DEJ), at its four annual Human Rights meetings, the Committee examined 145 cases or groups of cases concerning 32 States (including cases against the Russian Federation); 53 of which were examined by the Committee more than once.

The Committee closed the supervision of execution of 880 cases (including 200 leading cases requiring specific and often wide-ranging measures by States to guarantee non-repetition of the violations), following the adoption by respondent States of individual and/or general measures including, in some cases, constitutional and statutory reforms. There was also an increase in the number of older leading cases closed (53 of which had been pending for two to five years, compared to 44 in 2021) and of those pending for more than five years (73, compared to 69 in 2021: see Chapter IV F.2). The significant reforms which made possible some of these closures included: in Armenia, constitutional and statutory amendments concerning the Government's competence to declare a state of emergency and judicial review of such decisions (*Dareskizb Ltd*); Croatia amended its legislation to enhance investigations into war crimes and adopted a new law on missing persons (*Skendzic and Krznic group*); Greece amended its criminal legislation to enhance investigations into racially motivated crime (*Sakir*); Lithuania amended its constitution in order to allow impeached politicians to stand for election to Parliament after a certain period of time (*Paksas*); and Türkiye's prison administration practice has changed in order to enhance protection of LGBTI inmates (*X.*) (see also below, section B).

Nonetheless, there has been an increase in the total number of judgments currently pending full execution (6,081 compared to 5,533 in December 2021). One reason for this is that the number of new judgments transmitted to the Committee by the Court continues to rise (a 6% increase in 2022, in addition to the 40% increase in 2021), without a corresponding increase in case closures. While the total number of pending cases is still one of the lowest since 2007, determined efforts are needed to maintain and build on the effects of the reforms in the Committee's working methods adopted since 2011.

The main challenges for the Committee are two-fold.

On the one hand, the political and legal complexity and sensitivity of the issues examined by the Committee of Ministers continue to increase. Notably, in 2022 the Committee continued to examine all three pending inter-state cases and eight cases/groups related to post-conflict situations or unresolved conflicts, which are particularly challenging, time-consuming and difficult due to their political dimensions and complexities (see details in section D). In addition, by the end of 2022, there were 13 pending cases concerning six States (as opposed to five in 2021), where the Court had found violations of Article 18 of the Convention, which concerns the abuse of power to limit rights and freedoms. In respect of one of these cases, *Kavala v. Turkey*, the applicant remained in detention despite the findings in the Court's judgment and the repeated calls from the Committee to release him. In February 2022, the Committee initiated infringement proceedings under Article 46 § 4 of the Convention, for only the second time in its history. In July 2022 the Court rendered

its judgment in these proceedings, finding Türkiye to be in breach of its obligation to abide by the first judgment. This case was examined by the Committee at all four Human Rights meetings in 2022 as well as at its regular meetings (see also section E).

On the other hand, this challenging situation is compounded by the high number of long-standing systemic or complex problems which have not been resolved by the States concerned and which the Committee therefore continued to examine in 2022 (see details below, in section F). This may partly be explained by a lack of political will to embark on reforms which might require sustained efforts and expenditure. It is also linked to the persistent problem in a number of States of insufficient capacity to take measures to ensure the prompt, full and effective execution of the European Court's judgments, due in particular to the low status and/or lack of resources of national coordinators. On the most basic level, this is evidenced by the fact that, as of the end of 2022, there was a new record number of 2,257 cases<sup>1</sup> (the highest number since 2011) on which information on payment of just satisfaction was not submitted by respondent States to the Committee of Ministers (see details below, Chapter IV G.2). In addition, 2022 witnessed an increased delay in the submission by States of action plans and information within the required deadlines. The DEJ sent 92 "reminder letters" concerning 17 States (84 "reminder letters" concerning 16 States were sent in 2021), whilst the Committee decided to transfer 11 cases/groups concerning seven States from the standard to enhanced supervision<sup>2</sup> (in 2021, "trigger ups" had occurred with regard to two cases/groups concerning two States) (see details in Chapter IV E).

In this context, in March 2022, the DEJ organised [a roundtable on Effective national co-ordination: a key factor in reinforcing the domestic capacity for rapid execution of ECHR judgments](#), which took place under the aegis of the Irish Vice Presidency of the Committee of Ministers. The roundtable aimed at fostering a peer-to-peer exchange of views and good practices concerning national co-ordination and effective action, particularly in light of current and upcoming challenges in the execution process. DGI will continue to provide further support to member States in this area which is crucial for the efficiency and effectiveness of the execution process, in view also of the Committee of Ministers Guidelines 12 and 13 of the 2022 [Guidelines on the prevention and remedying of violations of the Convention](#) which focus on the need to strengthen domestic capacity for rapid and effective remedial action and to strengthen co-ordination structures.<sup>3</sup> A transversal cooperation project, financed by the Human Rights Trust Fund, which aims at identifying best practices across the Member States as regards the work of the national coordinator and national capacity for the execution of judgments more generally, and then support States in putting them into practice, was launched towards the end of 2022.

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1. As in 2021, in 2022 the vast majority (1,847) of these cases concerned five States: Hungary (82), Romania (215), Russian Federation (1,108), Türkiye (82), and Ukraine (360).
  2. The enhanced supervision procedure is intended to allow the Committee of Ministers to closely follow (notably through examination at the Human Rights meetings) progress of the execution of a case or group of cases, and to facilitate exchanges with the national authorities supporting execution.
  3. See also [Report of the High-Level Reflection Group of the Council of Europe](#), October 2022, chapter B.II Implementation of the judgments of the European Court of Human Rights, §19.

In this Annual Report, for the first time, much of the statistical information in respect of each member State, and the Russian Federation, is brought together to provide a country-by-country overview of the current situation as regards the execution of judgments (see below Chapter IV A.1).

In 2022, the DEJ was able to fully resume its programme of meetings with national decision-makers in the capitals, which had been disrupted in the few preceding years due to the Covid-19 pandemic. Thus, the DEJ further enhanced its outreach activities, notably through around 90 missions and bilateral meetings with national authorities which took place in person or on-line in Strasbourg or in the capitals concerned (see details in Chapter III). Consultations and discussions of this kind present a valuable opportunity to raise awareness of the execution process and the measures required, and frequently produce tangible results.

Finally, it is noteworthy that the Committee of Ministers received a new record number of communications from civil society organisations (CSOs) and national human rights institutions (217 concerning a total of 29 States), indicating a further increase of transparency of the execution process and a reinforcement of its participatory character and potential to generate dialogue among national stakeholders. This is a particularly encouraging development, also in view of the 2022 CM *Guidelines on the prevention and remedying of violations of the Convention*, which underline the important role that may be played by CSOs and NHRIs, and their interaction with member States, in the execution process of ECHR judgments. Notwithstanding, the number of communications submitted in 2022 by NHRIs, as in earlier years, remained very low (17), indicating a need for further efforts to enhance their capacity and engagement with the execution process. To this end, the DEJ continued its interaction with the European Network of National Human Rights Institutions (ENNHRI), notably through its participation in the ENNHRI High Level Network Meeting on Joint Work on the Rule of Law, which took stock of the impact of ENNHRI's joint work on rule of law since 2020 and discussed ENNHRI and NHRIs' achievements and challenges at both national and regional level (see also Chapter III, section A.2).

## **A. Supervision of the execution of cases pending against the Russian Federation**

As set out in the Committee of Ministers Resolution [CM/Res\(2022\)3](#), the supervision of the execution of the judgments and friendly settlements in cases against the Russian Federation continues, and the Russian authorities are to continue to participate in the meetings of the Committee of Ministers when the latter supervises the execution of judgments in which it is the respondent or applicant State, with a view to providing and receiving information concerning these judgments, without the right to participate in the adoption of decisions by the Committee nor to vote (§ 7 of above Resolution).

At its meetings in June and December 2022, the Committee discussed the strategy to be adopted for the examination of Russian cases based on [information notes](#) prepared by the DEJ, and adopted two decisions in this regard ([CM/Del/Dec\(2022\)1436/A2a](#) and [CM/Del/Dec\(2022\)1451/A2a](#)). The Committee deeply deplored that the Russian

Federation had chosen not to participate in the Committee of Ministers DH meetings and had ceased all communication with the Council of Europe in respect of implementation of the judgments of the European Court. It requested the Secretariat to explore with interested member States all possible strategies to ensure the effective implementation of cases against the Russian Federation. Moreover, the Committee invited the Secretary General to send a letter after each DH meeting to the Minister of Foreign Affairs of the Russian Federation informing him of the decisions and resolutions adopted by the Committee in cases where the Russian Federation is the respondent State and urging the authorities to comply with their obligations under international law and the Convention to fully abide by the judgments of the European Court. The Secretary General sent such a [letter](#) to Minister Lavrov on 9 December 2022.

In light of the continuing obligation to implement the Court's judgments, the DEJ continued to write to the Russian authorities to request information on cases, action plans/reports and to forward communications received under Rule 9. However, as from 3 March 2022, the Russian authorities ceased all communication with the DEJ and did not participate in any Committee of Ministers' Human Rights (DH) meetings in 2022. The Committee continued to classify new cases and examined a total of 25 cases or groups of cases at its June, September and December DH meetings. The cases examined in each DH meeting included the two inter-state cases, namely *Georgia v. Russia (I)*, concerning the arrest, detention and expulsion from the Russian Federation of large numbers of Georgian nationals between the end of September 2006 and the end of January 2007; and *Georgia v. Russia (II)*, concerning various violations of the Convention in the context of the armed conflict between the Russian Federation and Georgia in August 2008. Moreover, in the context of the *Navalnyy and Ofitserov* group, the Committee repeatedly expressed grave concern that, to date, Mr Aleksey Navalnyy remains in detention, and has continuously called for his release. It also adopted decisions in the *Catan and Others* and *Mozer* groups, concerning various violations of the Convention in the Transnistrian region of the Republic of Moldova. Cases concerning violations relating to the actions of Russian security forces during anti-terrorist operations in the Northern Caucasus; ill-treatment and excessive use of force by police and other state agents; the absence of adequate safeguards to protect women from domestic violence; and restrictions on freedom of assembly were among the topics examined by the Committee in 2022. Through adopting decisions and interim resolutions, the Committee thus continues to underline the obligation on the Russian Federation to take effective measures to execute the Court's judgments.

In the absence of communication from the authorities, information provided by civil society organisations (CSOs) constitutes a vital resource to enable the Committee to keep up-to-date with the situation in the Russian Federation. In 2022, 13 submissions were received from several CSOs concerning Russian cases. In line with the strategy adopted, the DEJ is exploring ways to maintain close contact with civil society engaged in the execution process. To this end, in October 2022 an online exchange was held between the Department and a number of Russia-based CSOs, who were previously involved in cases before the Court or in the Rule 9 submissions before the Committee.



The DEJ has been publishing information in Russian on its website and social media accounts covering the Committee's decision to continue examining Russian cases; decisions and interim resolutions adopted during the DH meetings in Russian cases; practical information on postal services; and requests for information from applicants on just satisfaction payments.

## **B. Major advances<sup>4</sup> in cases examined by the Committee of Ministers**

In 2022, a number of significant advances were reported by respondent States to the Committee of Ministers, some of which led to the closure of relevant cases. In other cases, significant steps forward were made, including as regards legislative reforms. For example, the Croatian Constitutional Court, after the Court's judgment in *Split Ferry Port JSC*, concerning failure to serve a constitutional complaint on the applicant as a third interested party, decided to change its practice so that the right to adversarial proceedings is respected. A major reform was also carried out in Romania to introduce a gradual system of legal protection and support for vulnerable adults, a question examined by the Committee in *Centre for legal resources on behalf of Valentin Campeanu*. In addition, in *Zelenchuk and Tsytsyura v. Ukraine*, the Committee noted with satisfaction the functioning of the agricultural land market in practice in 2022 following the adoption of a law lifting the 2021 ban on the sale of agricultural land.

As regards closed cases, notably, the Committee of Ministers ended the supervision of execution by Armenia of the *Dareskizb Ltd* case, which concerned a publication ban on the applicant company's newspaper as a consequence of a state of emergency. Following the 2015 amendment of the Constitution, the power to declare a state of emergency lies with the government, under parliamentary control. In 2020, the Law on the State of Emergency Rules 2012 was amended, to circumscribe the government's legal powers. A government decree declaring a state of emergency is now subject to judicial review both before the Constitutional Court and before the Administrative Court for its compatibility with higher normative legal acts.

Following the decision of the Plenum of the Supreme Court of Azerbaijan in September 2022, the Committee of Ministers ended its supervision of the execution of the *Azizov and Novruzlu* case, part of the *Mammadli* group, where the European Court had found a violation of Article 18 in conjunction with Article 5 of the Convention. In its judgment, the Plenum had due regard to the European Court's judgment, quashed the criminal convictions of the two applicants in the case, and discontinued the criminal charges against them.

The Belgian authorities provided a solution to the issue raised in the *Lachiri* case concerning freedom of religion and the applicant's exclusion from a courtroom for refusing to remove her *hijab*: Article 759 of the Judicial Code, which used to read: "*Whoever attends a hearing shall stand uncovered, respectful and silent: whatever the judge orders for the maintenance of order shall be carried out punctually and*

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4. Summarised case developments herein are indicative and in no way bind the Committee of Ministers. More information on cases is available at: <https://hudoc.exec.coe.int>.

*immediately*” was amended by deleting the word “uncovered”, thus removing the requirement to remove a *hijab*, *kippah* or other head covering.

To fully execute the judgment in the case of *Bamouhammad v. Belgium*, the authorities established a new remedy for detainees in respect of decisions on placement, transfer and special individual security arrangements. The Appeals Commission of the Central Prison Supervision Board (which is attached to the Federal Parliament) is now directly competent to examine appeals against such decisions taken by the Director General of the Penitentiary Administration.

The Committee of Ministers ended the supervision of the execution of the judgment in *Petkov and Others v. Bulgaria* concerning the refusal of the electoral authorities to reinstate the three applicants on the lists of candidate MPs for the 2001 parliamentary elections. The 2014 Election Code clearly specifies the situations in which the Central Electoral Commission and the respective regional electoral commissions may erase a candidate from the lists of candidates in parliamentary elections on the grounds of “registration ineligibility”. Decisions may be challenged within three days before the Supreme Administrative Court, which should deliver a final judgment within three days. A number of practical measures were also taken by the Central Electoral Commission.

The Committee also ended the supervision of execution by Croatia of the *Skendzic and Krznic* group concerning the lack of effective investigations into war crimes committed during the Croatian Homeland War (1991-1995), including disappearances and killings of the applicants’ next-of-kins. In 2011, the Strategy for Investigation and Prosecution of War Crimes was adopted by the Minister of Justice, Minister of Interior and the Public Prosecutor General to improve cooperation between prosecutors and the police in the investigations. Several legislative measures were taken between 2011 and 2014 to improve the independence, promptness and adequacy of investigations. In addition, the 2019 Act on Missing Persons in the Homeland War enhanced search, exhumation and identification of missing persons, and provided a higher degree of protection for missing persons’ family members. Regional cooperation was also promoted, including through bilateral agreements with neighbouring member states, to enhance prosecution and accounting for missing persons.

Following the judgment in *Aycaguer*, France promulgated a decree which regulates the periods of data retention in FNAEG (Automated National File of Genetic Prints) according to the seriousness of the offence, and the status of the person concerned, as adult or minor. In addition, a law now allows convicted persons to seek early deletion of their data recorded in FNAEG.

The Committee ended its supervision of the execution of the judgment in *Kallergis v. Greece* concerning the violation of the right of access to a court due to the excessively formalistic interpretation by the Court of Cassation of admissibility grounds following the adoption of a new Code of Criminal Procedure in 2019 and an amendment to the Code of Criminal Procedure in 2020, providing that errors attributed to court registries do not constitute grounds for inadmissibility of an appeal. In addition, domestic case-law and court registries’ practice was aligned with the European Court’s case-law.

The Committee also ended the supervision of execution of the *Sakir v. Greece* case concerning ineffective criminal investigations into the racially motivated assault

suffered by the migrant applicant. Following the Court's judgment, the authorities amended the definition of and strengthened penalties for hate crime in the Criminal Code. They also set up specialised police departments and prosecutors tasked with the investigation of hate crime and established a National Council against Racism and Intolerance (an advisory inter-ministerial body tasked with developing policies against racism and promoting initiatives aimed at protecting individuals and groups against hate crime).

The Committee decided to close the case of *Guðmundur Andri Ástráðsson v. Iceland*, noting with satisfaction the rapid reaction of the government in response to the judgment and the measures taken, *inter alia*, to ensure that all judges in the Court of Appeal have been appointed in full compliance with the domestic legal framework and procedures in accordance with the requirements of the Convention as well as to clarify the judicial appointment procedure to be followed in the future.

Following the judgment in the *Johannesson and Others group v. Iceland* concerning a violation of the *ne bis in idem* principle, Parliament adopted the Act on the Investigation and Prosecution of Tax Offences. The main goal of the law is to make the tax system more transparent and efficient, by making a clear distinction between criminal and administrative proceedings. The case-law of the Supreme Court also shows that national court practice is now aligned with the Court's case-law.

Following the judgment in *Cusan and Fazzo v. Italy*, the Italian Constitutional Court declared unconstitutional the discriminatory legislative provisions which provided for the automatic attribution to a child, at birth or upon adoption, solely of the father's surname, ruling that the child shall take the surnames of both parents in the order agreed by them, without prejudice to their agreement to give the surname of only one of them.

The Committee ended the supervision of execution by Lithuania in the case of *Paksas*, which concerned the applicant's disqualification from standing for parliamentary elections, as a result of his removal from presidential office following impeachment proceedings. The constitutional amendment adopted in April 2022 by Parliament (Seimas), also reflected in a new Electoral Code, established that any person removed from office or whose mandate as a member of the Seimas has been revoked through impeachment proceedings will be able to stand for election to the Seimas after a period of "at least ten years".

In line with the judgment in *Saber v. Norway*, consistent criminal case-law of the Norwegian Supreme Court has clearly established that seized data, which might contain correspondence protected as legal professional privilege (LPP), should be carefully sifted through by the police. Furthermore, a Prosecutor General's Directive established clear and specific procedural guarantees to prevent LPP from being compromised by police searches of digital data carriers.

In response to the judgment in *D. and Others v. Romania*, Parliament adopted a law providing for the automatic suspensive effect of the appeal against the enforcement of an expulsion measure, taken as an ancillary penalty in criminal proceedings, when there are arguable grounds to believe that the implementation of this expulsion would expose the person concerned to a risk to their life or a risk of ill-treatment.

The Committee ended its supervision of the 2020 judgment in *Saqueti Iglesias v. Spain*, having noted, *inter alia* that, in 2021, the Supreme Court had adapted its case-law to the relevant European Court criteria to determine if an administrative fine is of a criminal nature, thus ensuring one's right of appeal in order to have a higher court review the imposition of a fine for an offence which, although classified as administrative under domestic law, was of a criminal nature in light of the criteria developed by the European Court.

Following the judgment in *Al-Dulimi and Montana Management Inc. v. Switzerland* concerning inadequate judicial scrutiny of freezing and confiscation procedures pursuant to UN Security Council Resolutions, the Federal Department of Economics, Education and Research concluded that the current legal framework allows persons (natural or legal) targeted by sanctions to submit delisting requests. This Department's decisions are subject to appeal before the Federal Administrative Court and the Federal Court.

As regards the closure of the group of cases *Apostolidi and Others v. Turkey*, which concerned violations of property rights of Greek nationals on account of their inability to inherit real estate situated in Türkiye based on an alleged absence of reciprocal arrangements in Greece, Article 35 of the Land Registry Law was amended and reciprocity constitutes no longer a pre-condition for non-nationals to acquire immovable property by inheritance in Türkiye and judicial practice has changed accordingly.

The Committee also ended the supervision of the execution of the *Özmen v. Turkey* group, which concerned the authorities' failure to apply the principles of the Hague Convention on the Civil Aspects of International Child Abduction during proceedings relating to divorce, custody or the return of a child following a child abduction. Judicial proceedings in such cases are now conducted by the Family Courts and considered urgent. Family Courts may impose interim measures in the best interests of the child and parental custody proceedings shall be suspended while a request for the return of a child case is pending.

Following the judgment in *X v. Turkey*, prison administration practice has changed and homosexual inmates are now placed, upon their request, in single-occupancy "rooms" (differing from "cells" with regard to the occupants' access to material and social facilities) or in suitable wards together with other convicts/detainees of a different sexual orientation. Also, procedures for the classification and placement of convicts/detainees declaring their sexual orientation upon admission were established. Placement and transfer decisions of the Administration and Observation Board are subject to judicial review.

The Committee ended the supervision of the execution of the judgment in *J.D. and A v. the United Kingdom*. That case concerned the discriminatory reduction in housing benefits imposed on the second applicant as she had a 'spare' room in her home (the so-called bedroom tax) despite her being a woman at risk of domestic violence who benefited from a special Sanctuary Scheme which provided her with a panic room. The legislation was amended to clearly exempt victims of domestic violence who are a part of the special Sanctuary Scheme from such reductions in housing benefits.

The Committee ended the supervision of the execution of the *Bochan (No. 2) v. Ukraine* group of cases concerning review proceedings before the Supreme Court following a judgment of the European Court. A legal mechanism was created to provide for the possibility to request the review of final domestic civil and criminal judgments on the basis of the European Court's finding of a violation. The Supreme Court's case-law evolved in a Convention-compliant manner: its practice in review proceedings aimed at achieving *restitutio in integrum* is now clear and well-established.

Finally, the ratification by Ukraine of the Istanbul Convention is an important development for the execution of the *Levchuk* group of cases and a significant step forward in combatting domestic and gender-based violence. In 2022 the Parliament of Ukraine approved the Istanbul Convention. The respective law was signed by the President and later entered into force.

### C. Closure of individual repetitive cases

The Committee continued its practice of closing repetitive cases in which all the individual measures needed to provide redress to the applicant have either been taken or cannot be taken, while continuing to supervise the general measures required to remedy the underlying problem within the framework of representative leading cases. Unfortunately, in some cases where the required individual measure is a fresh investigation, for example, into an allegation of ill treatment by police or other state agents, and the operation of the statute of limitations regrettably means that no new or reopened investigation is possible, the case is closed. For this reason, the Committee has encouraged national authorities to put in place a system where reopening of investigations is considered at an early stage of the Convention process, for example, at the moment when the Court communicates an application. For these reasons, the closure of leading cases, rather than repetitive individual cases, gives the best indication of progress in the execution process.

### D. Inter-state and other cases related to post-conflict situations or unresolved conflicts

The supervision by the Committee of Ministers of the execution of inter-state and other conflict-related cases is particularly challenging due to their political dimensions and complexities. Such cases, some of which have been on the Committee's agenda for a long time, continued to be examined throughout 2022.

The cases of *Chiragov and Others v. Armenia* and *Sargsyan v. Azerbaijan* concern violations of the rights of persons forced to flee from their homes during the active military phase of the Nagorno-Karabakh conflict (1992-94). In decisions adopted in both cases in December 2022, the Committee welcomed the ongoing consultations with the Secretariat. As regards the *Sargsyan* case, it also welcomed the readiness of the authorities of Azerbaijan to proceed with the payment of the just satisfaction awarded by the European Court and, to this end, their readiness to sign a Memorandum of Understanding (MoU) enabling payment to take place through a Council of Europe bank account. It noted, however, their position which followed from the draft MoU, that the signature and payment are dependent on receipt of a

reciprocal clear indication from the Armenian authorities of their readiness to make the payment of the just satisfaction in the *Chiragov and Others* case. In the *Chiragov and Others* case, the Committee called on the authorities of Armenia to complete without delay their consideration of the modalities of payment of the just satisfaction awarded by the European Court, together with the default interest accrued, including the possibility of making use of a Memorandum of Understanding to enable payment to take place through a Council of Europe bank account.

As concerns *Georgia v. Russia (I)* pertaining to the arrest, detention and expulsion from the Russian Federation of large numbers of Georgian nationals from the end of September 2006 until the end of January 2007, the Committee adopted four interim resolutions in 2022. It deeply deplored that the Russian authorities, despite the signature of the Memorandum of Understanding on 17 December 2021 to enable payment of the just satisfaction to take place through a Council of Europe bank account held in escrow, had not made payment of the funds by the end of 2022, stressing that delay in fulfilling this obligation deprived the individual victims of the violations from receiving compensation for the damages they suffered. The Committee invited the authorities of the member States to explore all possible means to ensure execution of this case, instructing the Secretariat to create and publish a register of just satisfaction owing in all inter-state cases against the Russian Federation and to keep it regularly updated as regards the default interest accrued.

With regard to the *Georgia v. Russia (II)* case, concerning various violations of the Convention in the context of the armed conflict between Georgia and Russia in August 2008, the Committee adopted an interim resolution urging the Russian authorities to submit a thorough and comprehensive action plan, calling upon them to thoroughly, independently, effectively and promptly investigate the serious crimes committed during the active phase of hostilities as well as during the period of occupation of Abkhazia and South Ossetia, so as to identify all those responsible for the purposes of bringing the perpetrators to justice. Furthermore, the Committee firmly reiterated its profound concern about the inability of Georgian nationals to return to their homes in South Ossetia and Abkhazia, and its insistence that the Russian Federation, which has effective control over those regions, ensure without delay safe return of persons wishing to return to their homes.

The Committee also continued to examine the group of *Catan and Others v. Russia* concerning violations of the rights of children, parents and staff members of Latin-script schools located in the Transnistrian region of the Republic of Moldova during the periods 2002-2004 and 2013-2014, for which the Court had found the Russian Federation responsible due to its continued effective control and decisive influence. The Committee recalled that the measures for the execution of these judgments, as identified in the Secretariat's analysis, include the revocation of the "regulatory framework" at the origin of the violations, the return of the Latin-script schools to their former premises or to alternative suitable premises, and measures to eliminate the harassment and intimidation of the pupils, parents and staff members. The Committee noted with utmost concern that ten years after the Court delivered its judgment, the applicants still remain without any form of redress and, once again, deeply deplored the Russian authorities' continued failure to pay the just satisfaction and to provide the Committee with an action plan. It reiterated the unconditional

obligation of the Russian Federation to execute the final judgment of the European Court and exhorted the authorities to comply with this obligation, including by rapidly paying the sums awarded, together with the default interest accrued, and submitting an action plan with concrete steps to implement the above measures.

With regard to the *Mozer v. Russia* group of cases concerning various violations of the Convention, which took place in the Transnistrian region of the Republic of Moldova in the period between 1997 and 2016, and for which the Russian Federation was also found by the Court to incur responsibility due to its continued effective control and decisive influence, the Committee deeply deplored, once again, the failure of the Russian authorities to pay the just satisfaction awarded by the Court and strongly urged them to proceed with the payment of the amounts awarded, along with the interest accrued, without further delay. The Committee also reiterated its grave concern over the absence of any action plan or report and firmly urged the Russian authorities to provide the relevant documents, setting out concrete measures taken or planned.

In the context of *Cyprus v. Turkey*, the Committee recalled, in its latest decision, the important humanitarian issues which arose in respect of the missing persons in Cyprus. It encouraged the Turkish authorities to continue to ensure that the Committee on Missing Persons (CMP) has access to all areas which could contain the remains of missing persons and, in particular, unhindered access to military areas. It urged the Turkish authorities to search their relevant archives, including military archives, and provide the CMP with information relating to burial sites and any other places where remains might be found. Furthermore, the Committee deplored the absence of response to the Committee's Interim Resolution of 2021, by which it strongly urged the Turkish authorities to abide by their unconditional obligation to pay the just satisfaction awarded by the European Court in the judgment *Cyprus v. Turkey*.

As regards the examination of the *Xenides-Arestis v. Turkey* group of cases concerning the continuous denial of access to property in the northern part of Cyprus and the consequent loss of control thereof, the Committee again insisted firmly on the unconditional obligation of Türkiye to pay without further delay the just satisfaction awarded by the European Court in 33 cases of the group. Should the situation remained unchanged, it instructed the Secretariat to prepare a draft interim resolution on the payment of the just satisfaction, to be proposed for consideration by the Committee at its CM-DH meeting in September 2023. At the same time, the Committee decided to close the supervision of the judgment of 18 December 1996 in the *Loizidou v. Turkey* case, taking into account the fact that the applicant had received a proposal concerning her property by the Immovable Property Commission set up in the northern part of Cyprus, which is a mechanism considered by the Court as providing accessible and effective framework of redress for properties owned by Greek Cypriots.

With regard to *Varnava and Others v. Turkey*, the Committee adopted an interim resolution deploring that, despite two interim resolutions adopted in this case in 2013 and 2014, and the letters sent by the Committee's Chairperson and the Secretary General of the Council of Europe to the Minister of Foreign Affairs of Türkiye, in

2014 and 2016, the Turkish authorities had not complied with their unconditional obligation to pay the amounts awarded by the Court to the applicants. It expressed its profound concern that prolonged delays in fulfilling this obligation not only deprived the individual victims of receiving compensation for the damages suffered by them, but was also in flagrant disrespect of Türkiye's international obligations and exhorted the Turkish authorities to abide by their obligations and pay the just satisfaction without further delay.

The *Isaak v. Turkey* and *Kakoulli v. Turkey* groups concern the excessive use of force (firearms) by Turkish or Turkish-Cypriot military security forces in or along the UN buffer zone in Cyprus in 1996 and the lack of an effective and impartial investigation into these events. The Committee requested the Turkish authorities to provide further information or clarifications concerning investigations in certain cases of these groups. As regards general measures, the Committee, *inter alia*, welcomed the information that military prosecutors, whose statute is apparently similar to civil prosecutors, supervise investigations against military officers, to ensure their independence. The Committee furthermore welcomed the clarification that rules which prohibited the access to wounded personnel, have now been abolished. As regards demonstrations, the Committee invited the Turkish authorities to confirm, notably, the existence of rules or public or internal instructions to use the least life-threatening methods possible, including alternatives to the use of firearms.

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

Article 18 of the Convention aims to prevent the misuse of power by expressly prohibiting the State Parties from restricting the rights and freedoms enshrined in the Convention for purposes not prescribed by the Convention itself. At the end of 2022, there were 13 such cases pending before the Committee of Ministers, concerning six States:<sup>5</sup> Azerbaijan, Bulgaria, Georgia, the Russian Federation, Türkiye and Ukraine.<sup>6</sup> In accordance with the Committee of Ministers' usual practice, supported by the Court's reasoning in its two Article 46 § 4 judgments, the principle of *restitutio in integrum* requires in such cases that all the negative consequences of the abusive criminal/disciplinary proceedings are erased for the applicant.<sup>7</sup> Other required measures focus on the need to prevent a repetition of the abuse of power, either for the applicant or for others. Where the violation reveals a misuse of the criminal justice system, reforms to reinforce the independence of the judiciary and to shield the prosecuting authorities from political influence are necessary.

In February 2022, the Committee of Ministers adopted an interim resolution by which it initiated proceedings under Article 46 § 4 of the Convention in the case of *Kavala*

5. At the end of 2021 there were 13 cases concerning five States pending before the Committee of Ministers.
6. *Mammadli* group of five cases *v. Azerbaijan, Miroslava Todorova v. Bulgaria, Merabishvili v. Georgia, Navalnyy and Navalnyy (No. 2) v. Russia, Kavala v. Turkey, Selahattin Demirtaş v. Turkey (No. 2), Lutsenko and Tymoshenko v. Ukraine*.
7. This practice was confirmed in 2019, in the Court's Grand Chamber judgment in *Ilgar Mammadov v. Azerbaijan* (Article 46 § 4), Appl. No. 15172/13, judgment of 29 May 2019.



*v. Turkey*.<sup>8</sup> Considering that, by not having ensured the applicant's immediate release, Türkiye was refusing to abide by the final judgment of the Court, the Committee decided to refer to the Court the question of whether Türkiye had failed to fulfil its obligation under Article 46 § 1. In July 2022, the Grand Chamber of the Court delivered its judgment under Article 46 § 4 concluding, *inter alia*, that its finding of a violation of Article 18 taken together with Article 5 in the 2019 *Kavala* judgment had vitiated any action resulting from the charges against Mr Kavala related to the 2013 Gezi Park events and the 2016 attempted coup and that the domestic proceedings, which resulted in the applicant's conviction, had not remedied the problems and that Türkiye had therefore failed to abide by the 2019 *Kavala* judgment. The case was examined by the Committee at all four Human Rights meetings in 2022 and, following its decision in March 2021, also at its regular weekly meetings. During its last examination of the case in December 2022, the Committee deeply regretted that, despite the clear and unequivocal conclusions of the Grand Chamber in its *Kavala* (Article 46 § 4) judgment, the applicant had still not been released. The Committee urged the authorities to eliminate all the negative consequences of the criminal charges brought against the applicant, in particular by ensuring that he is immediately released. It welcomed the high-level meetings which took place between the former Chair of the Committee of Ministers and his counterpart, the Minister of Foreign Affairs of Türkiye, and encouraged further meetings at that level, calling upon all member States, the Secretary General as well as other relevant Council of Europe bodies and Observer States to intensify their high-level contacts with Türkiye to further raise the case for discussion. It also noted with interest the establishment of a Liaison Group of Ambassadors to assist the Chair in engaging with the Turkish authorities, and the possibilities identified for high-level technical contacts with the authorities, with a view to paving the way for possible contacts by the Group itself with the authorities in Türkiye. As regards general measures, the Committee urged the authorities to take legislative and other measures to ensure the full independence and impartiality of the Turkish judiciary, including from the executive branch, taking inspiration from Council of Europe standards, in particular as regards the structural independence of the Council of Judges and Prosecutors.

In September 2022, the Committee of Ministers adopted an interim resolution in the *Mammadli* group of cases, stressing that *restitutio in integrum* in this group of cases urgently requires the quashing of the applicants' convictions, their erasure from their criminal records and the elimination of all other consequences of the criminal charges brought against them, including by fully restoring their civil and political rights. In December 2022, the Committee noted with satisfaction the decision of the Plenum of the Supreme Court of 30 September which, having due regard to the European Court's judgment in the case of *Azizov and Novruzlu*, quashed the criminal convictions of the two applicants in that case, and discontinued the criminal charges against them. As regards general measures, the Committee stressed once again that quashing the convictions of the remaining applicants in the group by the Supreme Court remained a key general measure to establish a solid and consistent national judicial practice against retaliatory and abusive detentions and prosecutions. The

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8. This was the second time that the Committee initiated infringement proceedings since December 2017, in the case of *Ilgar Mammadov v. Azerbaijan*.

Committee reiterated its previous call on the authorities to continue their efforts to bring the composition of the Judicial Legal Council and its role in safeguarding and strengthening judicial independence in line with the relevant recommendations of the Group of States against Corruption (GRECO). Once again, the Committee invited the authorities to take targeted awareness-raising measures and to benefit from the assistance of the Council of Europe cooperation programmes, within the framework of the Council of Europe's Action Plan for Azerbaijan for 2022-2025, to strengthen the capacity of the domestic courts to comply with the Convention standards.

The Committee also continued the examination of *Merabishvili v. Georgia*. During its last examination of the case in March 2022, the Committee regretted the lack of progress as regards further legislative reforms for strengthening the external independence of the prosecutor's office and the individual independence of prosecutors and strongly urged the authorities to rapidly provide concrete proposals for amendments, as recommended by the Venice Commission. It also noted the information on the ongoing work on the strategy of the Prosecutor's Office for 2022-2027 and on the establishment of a working group tasked with reviewing the existing system of prosecutorial instructions and strongly encouraged the authorities to draw on the Council of Europe's expertise in this process.

As regards *Selahattin Demirtaş v. Turkey (No. 2)*, the Committee examined this case at its four Human Rights meetings in 2022. In December 2022, the Committee expressed deep regret that, despite its repeated calls, the Constitutional Court had not delivered its decision and the applicant remained in detention. It urged the authorities, once again, to take all possible steps to ensure that the Constitutional Court makes its determination concerning the applicant's ongoing detention in the shortest possible timeframe and with full regard to the Court's findings in this case, and to ensure the applicant's immediate release, for example, by exploring alternative measures to detention pending the completion of the proceedings before the Constitutional Court. The Committee further recalled the Court's findings under Article 18 of the Convention that the applicant's detention pursued the ulterior purpose of stifling pluralism and limiting freedom of political debate. As regards the general measures, the Committee notably urged the authorities to consider taking effective measures to strengthen the structural independence of the Council of Judges and Prosecutors to ensure the full independence of the judiciary, in particular from the executive branch, taking inspiration from the relevant Council of Europe standards.

## F. Systemic, structural or complex problems and advances

Cases raising systemic, structural or complex problems are supervised by the Committee of Ministers under the enhanced procedure and require sustained and concerted efforts to be made by the respondent States, in line with the principle of subsidiarity. Despite the complexity and challenges that these cases raise, advances were made in a number of them and welcomed by the Committee in 2022.

In 2022, major issues concerning the *functioning of the judicial and criminal justice systems* continued to feature among the main themes of leading cases in enhanced supervision, with 6% of all enhanced leading cases concerning excessive length of judicial proceedings, and 3% relating to delayed enforcement or non-enforcement

of domestic judicial decisions. In addition, cases concerning the *independence and impartiality of the judicial system* continued to be examined by the Committee in 2022. Furthermore, in the same year, 12% of all leading cases in the enhanced supervision procedure concerned *excessive use of force/ ill-treatment by security forces and ineffective investigations*, comprising, once again, the largest number of leading cases under enhanced supervision. In addition, *poor conditions of detention* (and lack of effective remedies) continued to represent one of the highest percentages of leading cases in enhanced supervision (8%).

Of equal importance and complexity are cases linked to *democracy and pluralism*, notably the *right to free elections*, *freedom of expression*, and *freedom of assembly and freedom of association*, the latter two themes representing 8% of the leading cases in enhanced supervision in 2022 (see also statistics in chapter E.5). This section also highlights cases examined by the Committee of Ministers in 2022, which raise systemic, structural or complex problems at national level concerning *Roma*, *LGBTI persons*, *persons with disabilities* and *migrants and asylum seekers*.

## F.1 Functioning of the judicial and criminal justice systems

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### *Excessive length of judicial proceedings (and lack of effective domestic remedies)*

In 2022, the Committee examined the *Luli and Others group v. Albania* and welcomed the steady progress made with filling the judicial posts vacated following the vetting of judges, which has allowed the Constitutional Court and the Supreme Court to be operational and capable of adjudicating all categories of cases before them. The Committee also welcomed the sustained measures to reduce the backlog of cases at the Supreme Court and invited the authorities to pursue their efforts and to speed up the judicial appointments at all court levels. Furthermore, the Committee welcomed the fact that the general acceleratory and compensatory remedy has been recently considered by the European Court to be effective in principle.

In *Bell v. Belgium*, the Committee took note with interest of the increase in judicial staff and the budget, while stressing the need for this to be part of a long-term structural perspective and not to be conditioned on results in such a way as to undermine the quality of judicial work, its independence and the citizens' effective access to justice. The Committee, once again, encouraged the authorities to develop, as quickly as possible, the "*modèle d'allocations interne*" (AMAI) aimed at a better allocation of resources, and deplored the persistent lack of data on the average processing time ("disposition time") of civil proceedings at first instance. It recalled that there is an overall weakness in judicial statistics, which hinders the measurement of the efficiency of the Belgian Justice system. This weakness also prevents a full assessment of the execution of judgments and the adoption of appropriate policies and measures. The Committee hence invited the authorities to rapidly strengthen their dialogue with the Secretariat and with the European Commission for the efficiency of justice (CEPEJ).

In the *McFarlane group v. Ireland*, the Committee noted with satisfaction that recent additional measures taken have improved the waiting times before the Court of

Appeal and the workload of the Supreme Court. It regretted, however, that some delays continue, due also to the sanitary situation, and encouraged the authorities to continue their work to improve the efficiency of the courts and reduce the length of proceedings, notably before the Circuit Courts and the High Court. The Committee reiterated its profound concern that the authorities have not yet established an effective remedy for excessive length of proceedings. It noted, nevertheless with interest, the significant developments in the domestic jurisprudence elaborating a constitutional remedy for delay and the authorities' continued commitment to the establishment of the statutory remedy. The authorities were exhorted to give the necessary priority to this legislative process and to complete it without any further delay.

As concerns *Galea and Pavia v. Malta*, the Committee welcomed the preventive measures taken so far, capable in principle of reducing delays in case processing and reducing the backlog of cases. It noted, however, that information provided as to these measures was insufficient to show a clear reduction in the overall length of proceedings, especially as they were not accompanied by relevant statistics on improvements in the clearance rates and disposition times. It invited, therefore, the Maltese authorities to submit detailed information in this respect.

In the group of cases *Olivieri and Others v. Italy*, the Committee examined several shortcomings affecting the functioning and effectiveness of the compensatory ("Pinto") remedy available since 2001 to victims of excessively long judicial proceedings. With regard to the issues of the ineffectiveness of the "Pinto" remedy in the context of administrative judicial proceedings and the amendments to the remedy enacted in 2012, the Committee adopted a Final Resolution in the light of the intervention of the Constitutional Court in 2019, which restored the effectiveness of the remedy and the attention shown by higher courts to the case law of the European Court and the decisions of the Committee of Ministers concerning the "Pinto" Act, which would secure, if necessary, a Convention-compliant interpretation of the 2012 amendments. With regard to the impossibility for the injured party to lodge a complaint about the length of a preliminary investigation (followed under the *Petrella* case), the Committee noted with interest the information provided on the legislative reform introducing a preventive judicial remedy aimed at ensuring a reasonable length of the pre-trial stage. It invited the authorities to provide detailed information on the scope and functioning of the new remedy.

In the *Jevremović group v. Serbia*, the Committee noted with deep concern that the issues of excessively lengthy judicial proceedings and the lack of an effective remedy have been pending for nearly 15 years. It noted, nevertheless, with interest that the positive trend in backlog clearance continued and encouraged the authorities to continue their efforts to achieve the complete elimination of the backlog. However, it also noted with concern an increase in the number of pending cases and the average length of civil proceedings before courts of first instance and high courts as well as of family-related proceedings before first instance courts. It therefore called on the authorities to address this situation as a matter of priority. As it appears that labour courts have managed to reduce the average length of proceedings and the backlog of cases, the Committee decided to close its examination of certain cases relating to labour court-related proceedings. Finally, the Committee expressed its renewed concern that no concrete plan for resolving the problem of inadequate

compensation awarded by national courts was provided and called on the authorities to provide such a plan as a matter of priority.

### *Non-enforcement or delayed enforcement of domestic judgments*

In *Sharxhi and Others v. Albania* concerning the demolition of the applicants' flats and business premises in disregard of an interim court order, the Committee urged the authorities to ensure full payment of the just satisfaction without any further delay and invited them to provide information on remedies for effective enforcement of such court orders, including efficient sanctioning of the non-compliant administrative body.

As regards the *Lyubomir Popov group v. Bulgaria* concerning unjustified delays in complying with judgments and administrative decisions recognising the applicants' rights to restitution or compensation in respect of agricultural land or forests collectivised during the communist era, the Committee welcomed the legislative amendments adopted in 2015 and 2017 to enhance the administrative capacity to deal with the restitution of land and forests through involvement of the Ministry of Agriculture. It invited the authorities to continue legislative works, adopt administrative measures and provide their analysis in various areas.

With regard to the *Săcăleanu group of cases v. Romania*, the Committee reiterated its strong support for the process initiated by the authorities in 2016 in order to define and enact legislative measures introducing safeguards and mechanisms to guarantee the voluntary and timely implementation of pecuniary and non-pecuniary awards owed by the State. It also recalled its guidance regarding the content of the necessary reforms, including its calls on the authorities to provide effective remedies when such implementation may still not be achieved, noting with concern the lack of response to its requests for clarifications about the measures envisaged with regard to the State's responsibility for the non-implementation of pecuniary awards against State-controlled companies.

In *S.C. Polyinvest S.R.L. and Others v. Romania*, the Committee expressed its heightened concerns already conveyed in their prior decisions and Interim Resolutions at the authorities' failure to secure the applicants' *restitutio in integrum*, by paying from State funds all the sums due as granted in court decisions or arbitral awards.

As regards *OAQ Neftyanaya Kompaniya Yukos v. Russian Federation* concerning tax and enforcement proceedings resulting in the liquidation of the applicant oil company, the Committee, as regards individual measures, urged the authorities to inform it rapidly of the steps they intended to take, including further legislative changes, if necessary, to enable the payment of the outstanding just satisfaction without further delay. The Committee further urged them to provide a comprehensive plan, including a binding time frame, for the distribution of the award of just satisfaction. It also invited the authorities to provide further information on the outstanding questions identified in their previous decision, in particular concerning the practice of bailiffs and/or need for legislative change to ensure their efficiency, and the practical impact of the existing remedies against the acts and omissions of bailiffs.

In the *R. Kačapor and Others group v. Serbia*, the Committee recalled that the authorities had initially envisaged setting up a repayment scheme to ensure enforcement of domestic decisions concerning debts of socially-owned/State companies and that they subsequently decided to follow an alternative strategy under the 2015 Law on Protection of the Right to a Trial within Reasonable Time. It underlined with concern that a number of outstanding issues remain to be addressed, including the reported high percentage of rejections and dismissals of applications for remedies in the context of insolvency proceedings, and the reportedly excessive length of proceedings under the above Law for the purpose of enforcement of decisions against socially-owned/State companies. The Committee therefore urged the authorities to promptly engage in consultations with the Secretariat on the ways to move forward in order to fully and effectively execute this group of cases.

### *Independence and impartiality of the judicial system<sup>9</sup>*

In *Baka v. Hungary*, the Committee adopted an interim resolution strongly urging the authorities to step up their efforts to introduce the required measures to ensure that a decision by Parliament to impeach the President of the Kúria will be subject to an effective oversight by an independent judicial body in line with the European Court's case-law. It also recalled the authorities' undertaking to evaluate domestic legislation on the status of judges and the administration of courts, and urged them to present their conclusions, including of the guarantees and safeguards protecting judges from undue interference.

As regards *Xero Flor w Polsce sp. z o.o. v. Poland*, the Committee deplored the authorities' position that the European Court acted beyond its legal authority and recalled that, to avoid similar violations of one's right to a tribunal established by law, the authorities should take rapid remedial action to: (i) ensure that the Constitutional Court is composed of lawfully elected judges, and should therefore allow the three judges elected in October 2015 to be admitted to the bench and serve until the end of their nine-year mandate, while also excluding from the bench judges who had been irregularly elected; (ii) address the status of decisions already adopted in cases concerning constitutional complaints with the participation of irregularly appointed judge(s); and (iii) propose measures to prevent external undue influence on the appointment of judges in the future. The Committee exhorted the authorities to present the measures necessary to execute this judgment without further delay.

Regarding the execution of the *Reczkowicz group v. Poland*, the Committee recalled that the above group's main underlying problem was the appointment of judges upon a motion of the National Council of the Judiciary (NCJ) as constituted under the 2017 framework, which enabled interference by the executive and the legislature in judicial appointments. The Committee also recalled that this problem has systematically affected appointments of judges of all types of courts, potentially resulting in multiple violations of the right to an "independent and impartial tribunal established by law", a situation requiring rapid remedial action, which the authorities have so far failed

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9. In addition to the "Article 18" cases mentioned above, see also European Committee on Legal Co-operation (CDCJ), [Review of the implementation of the Council of Europe Action Plan of Action on Strengthening Judicial Independence and Impartiality](#), November 2022.

to take; in May 2022, they elected a new NCJ under the impugned 2017 framework, which is lacking guarantees for its independence. Moreover, the Committee noted that the amendments of June 2022 did not constitute adequate remedial action either. It therefore urged the authorities to rapidly introduce legislation guaranteeing the right of the Polish judiciary to elect judicial members of the NCJ, thus securing its independence as well as to ensure that courts are entitled to effectively review NCJ resolutions proposing judicial appointments to the President of Poland, including Supreme Court judges, and to decide on the legitimacy of judicial appointments, independence and impartiality of judges without any restrictions or sanctions for applying the Convention.

Lastly, regarding the execution of the *Alparslan Altan group v. Turkey*, the Committee noted that the domestic courts still appeared to interpret extensively the concept of discovery *in flagrante delicto* when ordering detention of judges after the coup attempt in July 2016, without any evidence to show reasonable suspicion of committing an offence, criticised by the European Court, and invited the authorities to consider taking measures to ensure that procedural safeguards afforded to judges in the relevant legislation in order to protect them from interference by the executive are also fully afforded in practice. The Committee also noted that the Council of Judges and Prosecutors now carries out a detailed preliminary examination in respect of alleged offences committed by judges and prosecutors, before forwarding the file to the prosecution authorities, and invited the authorities to provide statistical information on such preliminary terror-related investigations, where the Council of Judges and Prosecutors had decided not to refer the case to prosecution offices since July 2016. It also strongly encouraged the authorities to ensure that detention periods of a maximum of 90 days without review under provisional Article 19 in the Prevention of Terrorism Act are avoided to the greatest extent possible.

### *Disciplinary proceedings against lawyers*

In the *Namazov group v. Azerbaijan*, the Committee welcomed the legislative initiative providing for specific grounds which could serve as a basis for exclusion from the Azerbaijani Bar Association and invited the authorities to ensure that the amendments are in line with the Convention and the Court's case-law, in particular as regards the foreseeability and proportionality of the law. It also reiterated its call on the authorities to put in place sufficient safeguards to prevent undue disciplinary action against lawyers in the exercise of their professional duties and to ensure that disciplinary proceedings are carried out in line with the Convention, case-law of the Court and the respective Council of Europe standards.

## **F.2 Excessive use of force/ill-treatment by security forces and ineffective investigations**

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The number of leading cases concerning *excessive use of force/ill-treatment by security forces and ineffective investigations* was once again the highest among the themes under enhanced supervision in 2022 (12%). In certain cases mentioned below, considerable progress, notably by the adoption of general measures, has been recorded and welcomed by the Committee.

In 2022, the Committee continued its supervision of execution by Armenia of the *Virabyan* group of cases. It welcomed the adoption, in 2021, of the Criminal Code and

Code of Criminal Procedure, as well as the elimination of the statute of limitations for the crime of torture. It invited the authorities to provide statistical data regarding relevant articles of the Criminal Code used to classify allegations of ill-treatment by law enforcement officers as well as information on the institutional set-up for investigating torture cases, the planned anonymous referral mechanism for complaints and the steps taken to ensure that investigations take account of any plausible allegations of discriminatory motives behind police ill-treatment. The Committee also noted with satisfaction the investigative authorities' obligation to conduct video recording of investigative actions and to install audio and video surveillance in the entry and exit points of police stations. It further noted the Government's efforts towards improving the image of the police, increasing public trust in police officers, as well as reviewing their professional education.

In the *S.Z. group / Kolevi v. Bulgaria*, the Committee welcomed the elaboration of the draft bill of November 2022 which provides for key safeguards, notably, the random selection of a judge to serve as ad hoc prosecutor in an investigation concerning a Chief Prosecutor or his or her deputies, the rules obliging Parliament not to elect prosecutorial magistrates as members of the Supreme Judicial Council (SJC) as well as certain arrangements to avoid undue interferences with ad hoc prosecutor's decisions. The Committee also welcomed proposed amendments capable of reducing the Chief Prosecutor's influence within the magistracy and facilitating the implementation of an effective investigation mechanism. Finally, the Committee invited the authorities to provide their analysis of the necessity to further improve, through constitutional amendments, the above mechanism.

In the *Skendžić and Krznarić group v. Croatia*, following the Committee's last decision acknowledging, *inter alia*, the existence of an effective legal framework with regard to the issue of missing persons, further progress has been made and acknowledged by the International Commission for Missing Persons (ICMP) in its 2021 report. Hence the Committee decided to close this group of cases and adopted a final resolution.

The Committee also decided to close its supervision of the *Khani Kabbara group v. Cyprus*, noting with satisfaction the significant improvements to the system of investigating complaints of ill-treatment by police officers since the facts at issue, in particular in respect of the independence, promptness and quality of the investigations undertaken by the Independent Authority for the Investigation of Allegations and Complaints against the Police, as well as the measures taken to prevent ill-treatment by regular zero tolerance messages, the amended Police Code of Ethics and extensive training.

The Committee re-examined the *Tsintsabadze group v. Georgia*, expressing profound concern over the developments resulting in the dissolution of the former State Inspector's Service (SIS) and calling on the authorities to provide information on legislative and other measures envisaged to strengthen the independence and effectiveness of ill-treatment investigations. It also called upon the authorities to improve the legislation and/or practice on granting victim status, as well as on reviewing decisions terminating investigations/prosecutions and/or refusing initiation of prosecutions. With regard to the effective detection and prevention of ill-treatment cases, the Committee noted with interest the alignment of the obligation



to report these cases in the regulations of the penitentiary facilities with the Law on SIS and the increased application in practice of the new legal safeguards by judges.

As regards the *Gubacsi group v. Hungary*, the Committee strongly reiterated its call on the authorities to communicate a “zero tolerance” message towards ill-treatment in law enforcement and to adopt the measures required to promote an institutional culture of “zero tolerance” by focusing on prevention, notably through systematic training. It also reiterated its calls to adopt legislative measures to extend the scope of mandated video recording for police work and to provide information on the improvement of medical examinations by an independent medical examination body of detained persons in police holding facilities complaining of ill-treatment. Moreover, the Committee noted with interest the establishment of the Operational and Military Cases Unit within the Budapest Regional Investigative Prosecutor’s Office, which aims at increasing the prosecution’s ability to react rapidly in police ill-treatment investigations. Finally, the Committee expressed grave concern regarding the low rates of indictments between 2019 and 2021 following complaints and the lenient sentences of law enforcement officers in ill-treatment cases. It called on the authorities, *inter alia*, to review the domestic legislation to extend or lift the relatively short five-year prescription period for crimes of ill-treatment by law enforcement officers.

In the *Association “21 December 1989” and Others group v. Romania* concerning criminal investigations into violent crackdowns on the anti-governmental demonstrations which attended the fall of the Communist regime, the Committee recalled that the remaining questions under examination only concerned the individual measures required. As regards the demonstrations in December 1989, the Committee requested to be kept duly informed of the progress and developments in the judicial proceedings pending before the High Court of Cassation and Justice. As regards the demonstrations in June 1990, the Committee strongly regretted that irregularities found in the investigation have lead the High Court of Cassation and Justice to exclude all the evidence gathered so far and to return the case to the prosecution service. It also called upon the authorities to submit without delay detailed information about the investigative measures taken concerning the deaths of Ms Crăiniceanu and Mr Frumușanu.

The Committee also re-examined the *Buntov group v. Russian Federation* and expressed concern at the recent credible reports of torture and other forms of ill-treatment in Russian prisons. It noted that the authorities have adopted some measures, including special investigations by the General Prosecutor Office, dismissals of high officials of the penitentiary service, and the adoption of a law of 14 July 2022, which introduced the definition of torture into the Criminal Code and increased the prescription period for prosecution for torture. The Committee regretted, however, that this law failed to introduce a separate crime of torture or to remove this prescription period altogether. Finally, it reiterated its concern with regard to the reports on the deterioration of the system of domestic public control of prisons (the Public Monitory Commissions).

In the *Khashiyev and Akayeva group v. Russian Federation* concerning counter-terrorism operations in the Chechen Republic and neighbouring regions, the Committee reiterated its call on the authorities to urgently create an ad hoc humanitarian body to search for missing persons using modern scientific knowledge, taking inspiration

from the mandates of bodies responsible for the search of missing persons in other member States. It called again on the authorities to urgently issue a clear message of zero tolerance of involvement of State agents in any unlawful actions (e.g. abductions) and to urgently deploy additional efforts, including on the regional level, to address this problem.

In the context of the *Stanimirović group v. Serbia*, the Committee urged the authorities to deliver a firm message of “zero tolerance” towards ill-treatment by police agents and to give full effect to the 2017 Methodology on the Investigation of Cases of Ill-Treatment issued by the Chief Public Prosecutor and the Ministry of Interior. It also encouraged the authorities to reflect on abolishing the statute of limitation for the crime of torture, drawing inspiration from other member States.

In the *R.R. and R.D. group v. the Slovak Republic* concerning the excessive use of force by the police in an operation carried out in a Roma<sup>10</sup> neighbourhood, the Committee noted with interest that the domestic legal framework contains a general legal obligation for police officers not to inflict bodily injury unless it is strictly necessary and that serious bodily injury as a result of the use of coercive means is subject to automatic reporting to the investigative authority. The Committee invited the authorities to provide their assessment as to whether specific measures are needed to ensure that the initial investigative measures are timely and sufficiently thorough. As concerns investigations of possible racist motives, the Committee invited the authorities to provide information on the competent investigative and prosecuting bodies, the procedures to be followed as well as statistics and relevant targeted training.

As regards the *Bati and Others group v. Turkey*, the Committee, noting the existing legislative and regulatory framework, urged the authorities to provide information concerning measures taken to address the ineffectiveness of investigations and the insufficiently thorough review of the non-prosecution decisions by magistrate courts. It also expressed profound regret that the number of suspensions of pronouncement of judgments remains higher than the number of convictions for all categories of offences falling within the scope of this group, except for torture. It welcomed, therefore, the decisions of the Constitutional Court finding violations of the Constitution on account of such suspension judgments and strongly encouraged the authorities to continue awareness raising activities for domestic courts to follow up on the Constitutional Court’s practice. It also encouraged the authorities at the highest political level to transmit messages concerning zero tolerance for torture and other types of criminal conduct by State agents.

Lastly, in the *McKerr group v. United Kingdom*, the Committee, *inter alia*, noted with concern a change of approach from the Stormont House Agreement in the

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

authorities' latest proposals, again emphasising the importance that the Northern Ireland Troubles (Legacy & Reconciliation) Bill, if ultimately adopted, is in compliance with the European Convention and will enable effective investigations into all outstanding cases. The Committee strongly reiterated its calls on the authorities therefore to make amendments to the Bill in a number of areas to allay concerns, including those of the United Kingdom Parliament's Joint Committee on Human Rights, about compatibility. It also reiterated its calls to reconsider the conditional immunity scheme and its serious concern about the proposal to terminate pending inquests that have not reached substantive hearings. It called upon the competent authorities to allow the pending legacy inquests to conclude, underlining the importance for the success of any new investigative body, aimed at achieving truth and reconciliation, of gaining the confidence of victims, families of victims and potential witnesses.

### F.3 Poor conditions of detention and medical care (including the need for effective remedies)

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In 2022, cases concerning *poor conditions of detention and medical care (including the need for effective remedies)* also scored very highly (8%) among the numbers of leading cases under enhanced supervision by the Committee of Ministers. It is to be noted that, in a number of cases mentioned below, general measures have been adopted and sustained efforts made by respondent States provide hope for progress in this domain.

In *Strazimiri v. Albania*, the Committee welcomed the fact that the *Lezha Special Institution* became operational and accommodates the male forensic psychiatric patients in significantly improved material conditions. It invited the authorities to indicate the measures to prevent overcrowding and urged them to deploy all efforts to accelerate the construction of a permanent specialised forensic psychiatric facility and to present information on their concrete plans and indicative timeframe for this project. The Committee welcomed the information regarding legislative amendments aimed at speeding up examination of appeals against court decisions ordering detention, which appear capable of guaranteeing timely judicial review.

As regards the *Vasilescu group v. Belgium*, the Committee adopted an interim resolution expressing deep concern at the worsening situation in prisons despite various measures announced long ago, combined with the absence of tangible progress in the establishment of an effective preventive remedy. It also called upon the authorities to set up the Penitentiary Council provided for by a 2019 law in order to evaluate the policies conducted, to contribute to a comprehensive plan to combat overcrowding and to monitor, in real time, the evolution of the prison population.

Concerning *J.M.B. and Others v. France*, the Committee noted with interest the authorities' efforts to better distribute detainees among prisons and the establishment of a strengthened dialogue between the penitentiary and the judicial authorities. It expressed, however, its deep concern at the latest figures, which show a worsening of the situation, especially in remand centres. It therefore invited the authorities to promptly adopt a comprehensive and coherent strategy to reduce the prison overcrowding, in the long term, and to promote all alternatives to detention,

instead of continuing to increase the number of prison places. As regards the preventive remedy, the Committee recalled the responsiveness of the Court of Cassation and the Constitutional Council, as well as the 2021 law which introduced a judicial remedy to enable detainees' complaints about degrading conditions of detention. Nevertheless, it reiterated its request to the authorities to respond to the concerns with regard to this new remedy and to provide it with as many concrete examples as possible.

As regards the *Nisiotis group v. Greece*, the Committee noted with deep concern that, according to the data provided by the authorities, the total number of prison inmates exceeds the current capacity of prisons and that recent policy changes towards more severe sentences along with the suspension of the alternative sentences scheme are likely to result in a further increase in prison inmates. It expressed its particular concern that, despite repeated calls, no effective remedy had been put in place and exhorted therefore the authorities to inform the Committee about the progress made in that respect and to provide a concrete timetable for the introduction of an appropriate remedy.

In *I.D. v. Moldova*, the Committee invited the authorities to explain, with regard to the remedies to challenge poor conditions of detention, the envisaged amendments to exclude certain categories of detainees from claiming monetary compensation on the basis of the Code of Criminal Procedure, referring them to the general civil remedy. It underlined the particular importance of a swift examination of detainees' complaints concerning their detention conditions. The Committee also expressed concern that, despite the trend of a slight decrease, no significant progress has been achieved in reducing prison overcrowding. The Committee deplored that no action has been taken by the authorities to respond to the Committee of Ministers' repeated invitation to adopt a strategy to this end.

The Committee also examined *Corallo v. the Netherlands*. It noted that, despite some positive developments and the ongoing efforts to improve the detention system in Sint Maarten, the overall conditions of detention appear as risk factors for similar violations, in particular the insufficient capacity of Point Blanche Prison and the holding of pre-trial detainees more than ten days in the Philipsburg Police Station, and the lack and overburdening of prison staff. The Committee encouraged the authorities to promote the wider use of alternatives to pre-trial detention and imprisonment, for example, through legislative amendments and/or specific awareness-raising measures for the relevant actors. It urged the authorities to take all necessary steps to put the UNOPS project (concerning the restructuring and improvement of the overall detention system on Sint Maarten) into practice without further delay.

As regards the *Tomov group of cases v. Russian Federation*, the Committee recalled the 2020 law which facilitated the sending of prisoners to serve their sentences in regions close to their relatives and invited the authorities to provide information as to its implementation. It also noted the development of further new types of prison vans in accordance with improved regulations. Finally, as regards the compensatory remedy, the Committee noted that domestic courts have begun to grant compensation for poor conditions of transportation under the 2020 legislation. However, as

regards the preventive remedy, the Committee expressed regret that the information on further measures envisaged to make the existing mechanisms more effective in law and practice is still awaited.

## F.4. Cases linked to democracy, pluralism and non-discrimination

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### *Right to free elections*

In 2022, the Committee examined the *Mugemangango v. Belgium* group of cases and took note of the authorities' decision to bring the entire Belgian electoral system into conformity with the Court's judgment, notably by means of a revision of the Constitution which may only take place after the next elections in May 2024. In the meantime, the Committee invited the parliamentary assemblies to provide, as soon as possible and with sufficient precision, procedural safeguards in case of disputes on the validity of the credentials of their members in the next elections or in the event of resignation of elected representatives.

In the *Sejdić and Finci group v. Bosnia and Herzegovina*, the Committee noted with utmost concern the holding of the fourth general elections in October 2022 under the same regulatory framework which the European Court had found to be discriminatory, despite its repeated calls and interim resolutions and the considerable efforts made by the international community and the Secretariat of the Venice Commission. The Committee exhorted the authorities and political leaders to reach a consensus on the constitutional and legislative amendments aimed at eliminating discrimination based on ethnic affiliation in elections for the Presidency and the House of Peoples of Bosnia and Herzegovina.

In *Cegolea v. Romania*, the Committee expressed its full support of the current legislative process aimed at addressing the lack of judicial scrutiny to protect against arbitrariness regarding an eligibility requirement which disadvantaged national minority organisations not yet represented in Parliament. It called upon the authorities to provide updated information about the draft legislation to be submitted to Parliament for adoption in March 2023 and the concrete legislative solutions that had been developed, and to pursue their constructive dialogue and cooperation with the Secretariat.

### *Freedom of expression*

In 2022, the Committee examined the *Mahmudov and Agazade group v. Azerbaijan* mainly concerning violations of the applicant journalists' right to freedom of expression. It took note of the action plan provided by the authorities and instructed the Secretariat to prepare an analysis for the Committee's next examination of the case, while requiring authorities in future to provide information in line with the Committee's timetable for the preparation of its meetings. It also noted the statistical information provided on the use of criminal sanctions for defamation and asked for detailed information on possible measures aimed at amending the legislation on defamation to remove lengthy prison sentences. In addition, the Committee reiterated its call for concrete measures aimed at protecting journalists against arbitrary criminal prosecution in line with the Council of Europe standards and took note of

the targeted measures taken by the General Prosecutor's Office to ensure that the statements made by the prosecution authorities and public officials respect the right to the presumption of innocence.

In its examination of *Khadija Ismayilova v. Azerbaijan*, the Committee noted with satisfaction the reopening of the investigation into the criminal offences suffered by the applicant journalist and underlined that her ability to continue her work without hindrance was closely linked to the implementation of the general measures, namely the amendment of the Media Law to bring it in line with the Council of Europe standards. Information is also required as to the composition and practice of the Media Development Agency, which is responsible for implementing the Media Law and including/excluding journalists in/from the Media Register. The Committee underlined the importance of investigating into any possible links between crimes committed against journalists and their professional activities, and the importance of improving the domestic courts' practice with respect to the balancing exercise between the right to respect for private life and reputation and the right to freedom of expression.

The Committee decided to transfer *Manole and Others v. Republic of Moldova* into enhanced supervision considering that, despite significant progress achieved in aligning the domestic audiovisual legislation with the standards of the Council of Europe and the EU Audiovisual Media Services Directive, there were outstanding issues as to the compatibility of the new scheme with these standards and the vital need to maintain independence and pluralism in public service broadcasting. The Committee thus encouraged the authorities to revise the Code of Audiovisual Media Services to ensure that it provides for clear safeguards for the genuine independence of the Audiovisual Council and immovability of its members, as well as exclude possible political control over *Teleradio-Moldova*.

In the five freedom of expression groups against Türkiye,<sup>11</sup> the Committee noted with grave concern that no legislative amendments had been introduced or envisaged despite repeated calls and its interim resolution of June 2021, further noted that the statistics provided for the *Işıkırık* group did not permit an assessment of whether the prosecutions in question were linked to freedom of expression, and considered that the information provided on the number of journalists in detention was inconsistent with the figures provided by other relevant sources and the number of violations found by the Court. It hence strongly urged the authorities, once again, notably to amend Article 301 of the Criminal Code in light of the Court's case-law; to consider further legislative changes of this Code and the Anti-Terrorism Law to clarify that the exercise of right to freedom of expression does not constitute an offence. In addition, the Committee urged the authorities to consider amending Article 125 and abrogating Article 299 of the Criminal Code with a view to decriminalise the defamation of Head of State. The Committee, *inter alia*, called for a consistent delivery of high-level political messages underlining that freedom of expression and the work of journalists are extremely valuable in a democratic society and that criminal law should not be used to restrict these.

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11. *Öner and Türk, Nedim Şener, Altuğ Taner Akçam, Artun and Güvener, Işıkırık.*

## Freedom of assembly

The Committee adopted an interim resolution in the *Lashmankin and Others* group *v. Russia*, in view of the influx of new judgments from the European Court and reports of dispersals and arrests across Russia of thousands of peaceful demonstrators opposing the aggression of the Russian Federation against Ukraine. The Committee urged the authorities to ensure that the Public Events Act, other relevant laws and authorities' practice comply with the Convention, starting with a clear high-level message of tolerance for all, including unauthorised, peaceful assemblies, and ensuring in particular that the use of force by the police is proportionate and that trials imposing sanctions for participation in assemblies are fair.

## Freedom of association<sup>12</sup>

The Committee noted that more than 16 years after the first final judgment in the *UMO Ilinden and Others* group of cases *v. Bulgaria*, associations aiming to "achieve the recognition of the Macedonian minority" continue to be routinely refused registration mainly due to a wider problem of disapproval of their goals. To date, despite steps taken by the authorities, the practices of the Registration Agency and courts are still not aligned with the requirements of the Convention. The Committee urged the authorities to adopt the necessary measures to ensure that any new registration request by an association is examined in full compliance with Article 11 of the Convention, and to extend the obligation of the Agency to give instructions for the rectification of registration files.

In the *Bekir-Ousta* group *v. Greece*, the Committee deplored the 2021 Court of Cassation's judgment rejecting the Tourkiki Enosi Xanthis association's appeal and finding its dissolution to be lawful on grounds impugned by the European Court, and the 2022 Court of Cassation's judgments rejecting the associations' appeals concerning *Emin and Others* and *Bekir-Ousta and Others*. The Committee welcomed the consultations held in November 2022 between the Secretariat and the authorities and called upon the latter to adopt measures able to provide *restitutio in integrum* to the applicant associations. The Committee called upon the authorities to consider other avenues in order to implement fully and effectively the European Court's judgments and prevent recurrence of similar violations, notably through the amendment of the system concerning the registration of associations in line with the European Court's case-law and the 2014 Venice Commission and OSCE *Joint Guidelines on Freedom of Association*.

Regarding the Russian Federation, the Committee examined the *Jehovah's Witnesses of Moscow and Others* case and *Krupko and Others* case concerning the dissolution of the applicant religious community entailing a ban on its activities, dispersal of a peaceful religious ceremony and the subsequent deprivation of liberty of some of its participants and decided to consider all cases concerning Jehovah's Witnesses in future under the 2022 leading judgment in *Taganrog LRO and Others*. The Committee strongly urged the authorities to immediately reverse the Supreme Court decision

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12. See also Conference of INGOs Conference of the Council of Europe, Expert Council on NGO Law, [The execution of judgments involving freedom of association: The impact on human rights organisations and defenders](#), March 2022.

of 20 April 2017 to dissolve all Jehovah's Witnesses organisations, banning their activities and confiscating their property. It also urged the authorities to review the anti-extremism legislation which declared such organisations to be extremist, to discontinue all criminal proceedings against Jehovah's Witnesses, to release those imprisoned and erase the consequences of their convictions, as well as to return or compensate the applicant's withheld property.

### *Discrimination against Roma*

In 2022, the Committee resumed consideration of the *Yordanova and Others v. Bulgaria*, which concerns the eviction or demolition orders concerning homes of Roma people. No tangible progress has been reported in the legislative reforms necessary to ensure that all persons affected by a demolition order may benefit from a proportionality assessment. The Committee urged the authorities to resume their work and to provide information as to the judicial practice in this regard. Detailed information is also awaited on the practice developed by municipalities for municipal housing, the conditions to be satisfied to apply for it, as well as the possibility of sheltering vulnerable persons to ensure proportionality if no municipal housing is available.

The Committee also examined *D.H. and Others v. Czech Republic* concerning the assignment of children to special schools after being assessed as pupils with "mild mental disabilities" because of their Roma origin. The Committee welcomed the improved attendance to preschool education among socially disadvantaged children and invited the authorities to continue removing barriers in access to such education. However, it expressed concern as to the lack of more substantial improvement as regards the proportion of Roma pupils still enrolled outside of mainstream classes, in the reduced programme for children with mild mental disabilities. The authorities were invited to eliminate the risk of misdiagnosis, including using adequate modern testing tools and methodological procedures which would enable a distinction to be made between social disadvantage and mild mental disability in children. The Committee noted with interest the upcoming completion of the research aimed at understanding the reasons behind overrepresentation of Roma children in special schools, as well as the detailed recommendations formulated by the Expert Forum, and thus invited all stakeholders to take measures to ensure equal access to education for Roma pupils.

Similar discrimination issues concerning Roma children were also examined by the Committee in the context of *Horváth and Kiss v. Hungary*, where it noted with satisfaction a significant improvement in the number of Roma children diagnosed with special educational needs in the Heves County. It nonetheless requested more relevant data for the entire country. Concerning the Hungarian Social Inclusion Strategy 2030, the Committee requested information on the measures taken or envisaged to address the learning difficulties faced by Roma children coming from socio-economically disadvantaged environments. Examples demonstrating the effectiveness of the administrative and judicial remedies against the findings of the expert committees, together with exhaustive ethnically disaggregated data concerning Roma children, are also awaited.



## LGBTI persons

In the *Identoba and Others group v. Georgia*, which concerns mainly the lack of protection by state authorities against inhuman and degrading treatment inflicted by private individuals on LGBTI activists, the Committee repeatedly urged the authorities to convey an unambiguous zero-tolerance message at the highest level towards any form of discrimination and hate crime, in particular, against LGBTI persons. Referring to the 2021 and previous marches, the Committee called upon the authorities to ensure effective investigations capable of leading to the identification and punishment of those responsible for the above-mentioned acts. In addition, the authorities were called upon to engage in consultations with the Secretariat to examine prospects of establishing a specialised investigative unit and to define any other tangible institutional measures to improve the effectiveness of investigations and sanctioning. Lastly, the Committee requested the authorities to rectify the draft National Strategy for the Protection of Human Rights 2022-2030 which does not adequately address the needs of the LGBTI community.

More than 14 years after the *L. v. Lithuania* judgment became final, the Committee expressed concern that the legislative process regulating the conditions and procedures for gender reassignment and legal recognition still had not been completed. Despite the encouraging judicial practice as to the interpretation of the notion of gender reassignment, permitting changes to official documents in the absence of full gender reassignment surgery, the full execution of this judgment requires a clear legal framework regulating the conditions and procedures for gender reassignment and legal recognition in line with Convention principles.

The Committee also examined *Rana v. Hungary* which concerns the authorities' refusal to change the transgender refugee applicant's name and sex marker in his official identification documents. Notwithstanding the 2018 ruling of the Constitutional Court which was subsequently endorsed by the European Court, the Hungarian authorities have not taken any measures to create an appropriate solution for lawfully settled third country nationals applying for legal gender recognition. The Committee called upon the authorities to provide quick, transparent and accessible procedures for changing gender and name in third country nationals' official identification documents.

A clear legal framework regulating the conditions and procedures for legal gender recognition was also requested in the context of the supervision of *X. v. North Macedonia*. However, the Committee noted the positive recent developments of domestic practice regarding changes of records in official documents, the administrative practice of the State Commission and the Administrative Court's case-law allowing legal gender recognition, including on the basis of self-determination and without imposing any medical treatment as a condition to determining legal gender.

In *X. and Y. v. Romania*, the applicants' gender identity had been fully recognised in the civil-status records even before the Court's judgment. However, the Committee asked the Romanian authorities to ensure that there are clear and foreseeable provisions in place regulating the conditions and the procedure for legal recognition of gender identity in line with the Convention principles. In the meantime, the Committee requested the authorities to guarantee that people seeking legal recognition of their gender identity no longer need to first undergo gender reassignment surgery.

## Persons with disabilities

In 2022, the Committee examined *Stanev v. Bulgaria* which concerns the unlawful placement of the applicant, suffering from a mental health disorder, in a social care home, and the lack of an effective remedy. The Committee strongly urged the authorities to adopt measures to address the most serious problem of poor living conditions, in light of the grave concerns expressed by the CPT in its recent public statement, and to provide their assessment of the expected results of the short and medium-term measures foreseen to overcome these serious problems and the physical neglect of vulnerable residents. The Committee noted with satisfaction that the rules on assisting persons under partial guardianship appear capable of providing them with adequate assistance in taking informed decisions and the possibility for their will to be properly assessed but requested a thorough assessment of the need for further measures.

The Committee adopted an interim resolution in *N. v. Romania* which concerns the applicant's unlawful prolonged psychiatric confinement as a security measure and the authorities' failure to secure his immediate release in conditions meeting his needs, as well as shortcomings in the judicial review of the applicant's continued deprivation of liberty. The Committee exhorted the authorities to urgently take all necessary actions with a view to ensuring that the measures required to put an end to and guarantee non-repetition of the violations are defined and implemented without any further delay.

In *Gömi v. Turkey*, the Committee welcomed the establishment of additional rehabilitation-type penitentiary institutions for convicts and detainees with mental disabilities, among other severe and permanent health issues. It invited the authorities to provide information on the measures envisaged to ensure the regular presence of psychiatrists in penitentiary institutions, and the timely placement and follow-up of inmates with chronic mental disorders in specific institutions capable of providing necessary psychiatric treatment and constant medical follow-up.

## Migrants and asylum seekers

As regards the *M.A. group v. France*, the Committee again noted that the regulatory framework and the practice of the asylum and immigration authorities would always allow for an individualised examination of the risks under Article 3 in case of removal, including persons presenting links with terrorism. However, under Article 34 of the Convention, the authorities are invited once again to adopt without further delay concrete measures to ensure that expulsions will no longer be organised under conditions similar to those to the *M.A.* and *A.S.* cases. Lastly, also under Article 34, the Committee reiterated its request to promptly adopt specific measures to remind the competent authorities of their imperative obligation to respect, in all cases, the Court's interim measures.

In *Khan v. France* the Committee invited the authorities to adopt protection measures specifically targeting unaccompanied minors (UM) in transit, notably in the announced strategic action plan for the care of UMs. It reiterated its call on the authorities to identify UMs and provide them with shelter before any expulsion from a camp, to increase the training of the field workers as well as the "rounds" with people specialised in child protection and the resources allocated to the protection

of UMs in transit and also to improve the reception facilities. The Committee recalled that the guardianship and legal representation are essential safeguards for the protection of the rights of UMs, and encouraged the authorities, in this regard, to draw inspiration on its *Recommendation on effective guardianship for unaccompanied and separated children in the context of migration*.

As regards *Moustahi v. France*, concerning the administrative detention and collective expulsion of unaccompanied minors from Mayotte, the Committee invited the authorities to achieve rapid progress in the setting-up of the above-mentioned strategic action plan. Concerning the problem of arbitrary attachments of children to third-party adults, it invited anew the authorities to provide information about this practice and to adopt without further delay concrete measures to ensure that all authorities in Mayotte respect the requirements of the Court's judgment and the Council of State case-law. Lastly, regarding the lack of an effective domestic remedy, the Committee again invited the authorities to indicate the measures adopted and/or envisaged, including legislative, to ensure that persons under an expulsion order be given sufficient time to effectively seize a judge, and to take the necessary measures to respect the seizure of the interim relief judge in all cases, in accordance with the regulations in force.

The Committee also examined the *Ilias and Ahmed group v. Hungary* concerning the lack of assessment of the risks of ill-treatment before removing asylum seekers to Serbia, as well as a violation of the prohibition of collective expulsions. The Committee strongly urged the authorities to re-assess without further delay the legislative presumption of "safe third country" in respect of Serbia, in line with the Court's case-law requirements, and to present the grounds and outcome thereof. The Committee called on the authorities to reform the asylum system in order to afford effective access to means of legal entry, in particular border procedures. The Committee strongly reiterated its call on the authorities to terminate collective expulsions and to introduce an effective remedy.

In *Feilazoo v. Malta*, concerning the illegal detention in view of deportation, in poor conditions, and interference with the applicant's correspondence with the Court, the Committee encouraged the continuation of the ongoing efforts to improve the living conditions in the Safi Detention Centre pending its refurbishment. It invited the authorities to provide reports or assessments of these improvements and their impact on the overall conditions of detention in practice, including in all the other centres intended and/or used for detention of migrants. Information is also awaited as to the measures aimed at shortening the length of detention pending deportation. Concerning the issue of correspondence, the Committee requested information on the advancement towards the adoption of the law on confidentiality of correspondence of detained migrants with international bodies and on the measures taken at the level of the Corradino Facility to ensure such confidentiality in practice.

In *Ozdil and Others v. Republic of Moldova*, the Committee welcomed the additional examination carried out by the Security and Intelligence Service (SIS) which resulted in overturning its previous conclusions about the risks posed by the applicants to the national security of the Republic of Moldova. It requested information on how the recent decisions by the SIS and the Bureau for Migration Asylum are considered

in the pending asylum proceedings. The Committee also welcomed the decision to de-classify the materials of the criminal case against the former Head of the SIS as well as certain SIS documents related to the events in question and invited the authorities to provide a copy of the decision of the first instance court in these criminal proceedings and to keep the Committee informed on the outcome of the appeal proceedings. Concerning the arbitrary detention and extra-legal transfers, the Committee asked the authorities to immediately begin a reflection on the existing oversight and accountability mechanism of the activities and powers of the secret services, and to send a clear message of zero tolerance from the highest political level.

Lastly, in the context of *M.K. and Others v. Poland*, the Committee invited the authorities to provide information on measures envisaged to put an end to the policy of refusing entry to third country nationals coming from Belarus, and to ensure the acceptance of applications for international protection made by persons arriving from this country. In addition, it invited the authorities to review the recently adopted legislative amendments limiting the possibility for lodging requests for international protection by persons who crossed the border in irregular manner. The Committee also requested information on the measures aimed at giving automatic suspensive effect to appeals against decisions refusing entry to the country, and on the additional safeguards to ensure the domestic authorities' compliance with interim measures indicated by the European Court.

## Concluding remarks

The year under review was indeed troubled, marked by the aggression of the Russian Federation against Ukraine which led to the former's exclusion from the Council of Europe. It was, however, also a year that provided an opportunity to recall that the European Convention on Human Rights (which in 2023 celebrates the 70th anniversary of its entry into force), with its unique protection system, was created as a forum for common action by member States. This was reflected in the 132nd Session of the Committee of Ministers in Turin in May 2022 and its decision *United around our values*, where the Convention and the States' unconditional obligation to abide by the Court's judgments were underlined.

The Convention indeed provides the unifying standard of our values focused on human dignity, human rights and fundamental freedoms. These times of trial serve also as a reminder, once again, that the ECHR system depends on the balance and efficient synergy between its national and European components. It functions successfully only if all involved actors share a common vision, pledge their best efforts to work jointly and are open to dialogue and cooperation. As the Steering Committee for Human Rights has stated, the functioning of the ECHR system is contingent on "the quality, cogency and coherence of the Court's judgments and the ensuing acceptance thereof of all actors of the system, including governments, parliaments, national courts, applicants and the public at large".<sup>13</sup>

13. CDDH, Report on the longer-term future of the European Convention on Human Rights, 2016, §§ 96 and 195 ii.

Despite the new advances in member States recorded in the present report, much more can and should be done at national level to reinforce the efficiency of the execution of the Court's judgments, and thus the long-term effectiveness of the Convention system itself. More, concerted and cohesive efforts by member States are needed, in particular, to maintain an effective dialogue with the Committee of Ministers and to submit all the necessary information on execution in a timely manner (see introduction), and to deal effectively with long-standing structural/systemic and complex problems and challenges of a political nature that need to be overcome (see earlier sections). It is recalled that, under the principle of subsidiarity, it is the States parties that have the primary responsibility to secure the human rights and freedoms enshrined in the Convention. In 2022, the DEJ highlighted some promising national good practices in this area, such as the ten-year-old [Croatian Expert Council for the Execution of ECHR Judgments](#) and the [launch by Italy of training courses for judges to enhance the execution of ECHR judgments](#). While the growing number of communications submitted by NHRIs to the Committee are encouraging, their number remains low, signalling a need for greater efforts to enhance NHRIs' capacity to participate in the execution process.

In this context, the adoption by the Committee in September 2022 of the [Guidelines on the prevention and remedying of violations of the Convention](#) is worth noting. The Guidelines contain a wealth of recommendations addressed to member States which require particular and urgent attention. Notably, they encourage national decision makers to take the Convention requirements more proactively into account in order to better prevent Convention violations that are foreseeable under the Court's case-law, and to provide redress to victims without the need for a specific Court judgment against the State. They also underline that such a proactive attitude from member States requires, in particular, the development of parliamentary, executive and judicial capacity to respond to the Court's case-law, including strong and better resourced, national coordination structures able to prevent and remedy violations of the Convention.

The peer-to-peer dialogue during the Round Table organised in March 2022 by the DEJ under the aegis of the Irish Vice Presidency of the Committee of Ministers on *Effective national co-ordination* (see details below in chapter on Outreach activities) demonstrated member States' willingness to act upon and further reinforce their capacity for the rapid and effective execution of the European Court's judgments. DGI, through a new multilateral project under preparation, aims at providing further institutional support to member States, notably by way of the designation and work of a co-ordinator of execution of judgments at the national level, both to steer the national execution process and maintain an effective dialogue with the Committee of Ministers.

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

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The year 2022, which was marked by the aggression of the Russian Federation against Ukraine, was also an occasion for member States to unite and to reaffirm their commitment to the principles and values of the Council of Europe and to the implementation of the European Convention on Human Rights. At its 132nd Session in Turin in May 2022, the Committee of Ministers (CM) reconfirmed its determination to ensure that the Council of Europe remains the benchmark for human rights, democracy and the rule of law in Europe and an effective framework for co-operation for the benefit of member States. The CM thus decided to reinforce the pan-European outreach of the Council of Europe's values and messages.<sup>14</sup>

In a similar vein, the CM [Guidelines on the prevention and remedying of violations of the Convention](#), adopted in September 2022, underlined, *inter alia*, that, in view of the significant and enduring challenges in implementation, member States need to extend awareness raising of, and training on, the Convention system, and to enhance co-operation programmes with the Council of Europe. Such co-operation may usefully be linked to instances when States undertake important Convention-related reforms related to national legislation or when efforts are made to address the root causes of important systemic problems to ensure the adequacy of reforms.

As shown in this chapter, in 2022 the Department for the Execution of Judgments of the European Court of Human Rights (DEJ) continued to enhance its outreach activities, notably through around 90 missions and bilateral meetings with national authorities which took place in person or on-line in Strasbourg or in the capitals concerned. It also published six new thematic factsheets and many news items on its website keeping all stakeholders informed about important developments in the execution process at national level and developments following the four CM Human Rights meetings. At the same time, support and guidance offered by the Council of Europe to member States through general co-operation activities, national action plans and targeted Convention-related activities continued to provide valuable aid to States in order to execute promptly and effectively the European Court's judgments.

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14. See CM decision [United around our values](#), Turin, Italy, 20 May 2022.

## A. Activities of the Department for the Execution of the European Court's Judgments

### A.1. Intensified dialogue with national authorities and other major stakeholders

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In 2022, the DEJ pursued its efforts to maintain close communication with all major stakeholders and to provide necessary support to national authorities in order for them to fully and effectively implement the European Court's judgments, despite a difficult geopolitical and economic situation in many member States due to the aggression of the Russian Federation against Ukraine and its consequences. However, thanks to the lifting of travel restrictions linked to the Covid-19 pandemic, representatives from the DEJ were able to travel again. Although the DEJ made full use of videoconferencing tools, as set out in the 2021 Annual Report, discussions with decision-makers and stakeholders in the capitals remain the most effective means of communication.

#### Thematic events

In 2022, the Department co-organised with and under the aegis of the Irish Vice Presidency of the Committee of Ministers a roundtable on *Effective national coordination: a key factor in reinforcing the domestic capacity for rapid execution of ECHR judgments*. The aim of this roundtable was to foster an open and constructive dialogue focusing on the national coordinators' key role to steer the execution process at national level, maintain an effective dialogue with the Committee of Ministers, and develop synergies with actors of the execution process and national stakeholders, including NHRIs and civil society organisations.

The Head of Department also took part in another event in Galway organised under the Irish Chairmanship at the Irish Centre for Human Rights/University of Galway School of Law, namely the Conference *Lighting the Shade: Effective Application of ECHR in Areas of Conflict in Europe*. The conference examined, *inter alia*, how Council of Europe mechanisms for human rights protection, including the supervision of the execution of the Court's judgments, can operate with regard to European territories subject to conflict or contestation, and sought to advance proposals on how the ECHR system might better serve rights-holders in those territories.

Also, the DEJ participated in the Regional Conference *Harmonisation of judicial practice: length of proceedings – standards and case law*, which was organised in Skopje by the Supreme Court of the Republic of North Macedonia in co-operation with the European Union and the Council of Europe. This event aimed to foster an open and constructive, peer-to-peer exchange of views and good practices notably in the functioning of domestic remedies for excessive length of judicial proceedings but also regarding the specific challenges in their application by judges.

#### Missions and continuous dialogue with national authorities

The DEJ carried out a visit to Baku to discuss the implementation of the European Court's judgments and strengthen its cooperation with the authorities of Azerbaijan.

Meetings were held with the Presidential Administration, the Supreme Court, the Ministry of Justice, the Prosecutor General's Office and the Bar Association. This visit was also the opportunity to take part in the launch of the new Council of Europe project *Support for the improvement of the execution of the European Court judgments by Azerbaijan*.

In the run-up to the examination of the *Vasilescu* and *Mugemangano* cases by the Committee of Ministers in June, the DEJ held a meeting in Brussels with the Office of the Agent of the Belgian Government. It provided an opportunity to explain the procedure for the execution of judgments to the new members of the Office, review the Belgian cases currently pending before the Committee of Ministers, and identify priorities for the treatment of these cases.

In the context of the project *Initiative for legal certainty and efficient judiciary in Bosnia and Herzegovina*, the DEJ carried out a mission to Mostar to discuss the implementation of the action plan adopted by the Herzegovina-Neretva Canton of the Federation in Bosnia and Herzegovina in response to the *Kunić and Others* group. During this mission, the DEJ also organised training sessions for the Office of the Agents of the Council of Ministers of Bosnia and Herzegovina before the European Court.

The DEJ held a meeting with representatives from the Ministry of Justice of Bulgaria to discuss the national authorities' work for the implementation of ECHR judgments related to the system problem of ineffective criminal investigations, including the lack of guarantees for their independence concerning the Chief Prosecutor and other high-ranking officials (*S.Z.* and *Kolevi* cases). Discussions also stressed the need to ensure follow-up to the Bulgarian Government's Road map of August 2021, in order to avoid further delay in the implementation of cases pending for more than five years.

The Department carried out a mission and held several meetings in Zagreb about the implementation of cases against Croatia. In particular, the DEJ held consultations with representatives of the Ministry of Spatial planning, Construction and Assets, and the Constitutional Court, about the violations of property rights due to statutory limitations on the landlords' use of flats subject to protected leases (*Statileo* group). In addition, consultations were held with the Minister of the Interior, the State Attorney General, Office of the Ombudswoman and the Ombudswoman for Children, the new mechanism monitoring police action in the context of border controls, as well as civil society organisations, concerning the treatment of asylum seekers at borders and collective expulsions (*M.H. and Others*).

In preparation of the CMDH December meeting, the DEJ held an online meeting with the Attorney General's Office of Cyprus and discussed the practices and procedures of the Committee of Ministers, the outstanding issues on pending cases against Cyprus, and avenues for a better cooperation to reduce delays in the execution.

An online meeting was also held with representatives of the Danish Ministry of Foreign Affairs and the Danish Permanent Representation to the Council of Europe to discuss outstanding issues on pending cases against Denmark as well as the practice and procedure of the Committee of Ministers.



On the occasion of a visit of a delegation of the French Court of Cassation to the Council of Europe, The DEJ held a meeting to inform the delegation about the process of execution of the European Court's judgments, the progress in the execution of judgments against France and avenues for further cooperation activities, notably in the field of human rights education among law professionals.

A mission was carried out to Tbilisi to enhance cooperation with the Georgian authorities and ensure effective implementation of cases, in particular leading cases under enhanced supervision concerning ill-treatment, hate crime, domestic violence and abusive restrictions of Convention rights. Meetings were held with the Supreme Court, the Ministries of Justice and Internal Affairs, the Special Investigation Service, the General Prosecutor's Office and the Public Defender's Office. Lastly, the DEJ took part in a workshop dedicated to the parliamentary oversight of the execution of the ECHR judgments.

The DEJ held online consultations with the Greek authorities (Ministry of Citizen Protection, Ministry of Justice, the State Legal Council, the Greek Ombudsman and the National Commission for Human Rights) to discuss the implementation of judgments that have been pending for more than ten years concerning the structural problem of poor detention conditions in prisons and the lack of effective remedy thereof (*Nisiotis* group) as well as the registration of associations (*Bekir-Ousta* group). These consultations were followed by a visit to Athens involving the Director of Human Rights, during which the authorities informed the delegation about the developments in the above cases.

The Director of Human Rights and DEJ carried out a mission to Hungary to discuss measures and reforms required in the context of various pending cases including those concerning secret surveillance measures for national security purposes (*Szabó and Vissy*), entry of migrants and asylum seekers and access to asylum (*Ilias and Ahmed* group and *R.R. and Others*), ill-treatment by law enforcement officers and lack of effective investigations into these events (*Gubacsi* group), the premature termination of the mandate of the former Hungarian Supreme Court's President through *ad hominem* legislative measures (*Baka*). This visit was followed by a *round table on professional policing and treatment of apprehended persons by law enforcement*, co-organised by the Hungarian Ministry of Justice and DEJ, with the participation of members of the CPT.

The Italian School of Judiciary launched the *Strasbourg workshops* project: the two first workshops were held in Naples in May and October with the participation of the DEJ. These workshops focused on the effective implementation of judgments against Italy in the field of child adoption (*Zhou* group of cases), children's placement in foster care (*R.V. and Others*), non-implementation of judicial decisions regulating parents' visiting rights (*Terna* group of cases), domestic violence (*Talpis* group of cases) and secondary victimisation (*J.L.* case).

The DEJ carried out a mission to Chisinau and discussed measures required in the context of pending cases, including those concerning ill-treatment by police and ineffective investigations, poor conditions of detention, inadequate medical care in prisons, "extra-legal" transfer of persons to Türkiye in the *Özdil and Others* case and insufficient reasoning of detention orders. Moreover, the DEJ discussed possible

avenues in execution of cases related to the Transnistrian region of the Republic of Moldova. In addition, the DEJ organised a three-day study visit for the Government Agent of the Republic of Moldova and members of his Office.

Similarly, the DEJ organised a study visit for two lawyers in the Office of the Government Agent of Croatia which aimed at enhancing their knowledge about drafting good action plans and action reports and IT tools developed by the DEJ.

Before the detailed examination by the CM of the *Strand Lobben* case in 2022, the DEJ organised an online meeting with representatives of the Norwegian Attorney General's Office, the Ministry of Families and Children and the Permanent Representation to the Council of Europe, to discuss outstanding issues and domestic developments in the execution of that case concerning biological parents' right to respect for their family life.

The DEJ held a meeting with representatives from the Dutch Ministry of Justice and Security and the Dutch Permanent Representation to the Council of Europe, to discuss the practice and procedures of the Committee of Ministers and address the outstanding issues on pending cases against the Netherlands, in particular those related to conditions of detention and life imprisonment in Sint Maarten, Curaçao and Aruba (*Corallo* and *Murray* cases). These issues were also discussed during a meeting with the with the President of the Joint Court of Aruba, Curacao, Sint Maarten and Bonaire. The DEJ also held several meetings with the Government Agent and her deputy to discuss other pending cases. A delegation of the DEJ also carried out a mission to The Hague and held discussions notably with representatives of ministries involved in the execution of ECHR judgments and met representatives of the Supreme Court and the Council of State.

The DEJ carried out a mission to Warsaw to discuss outstanding issues in cases concerning access to legal abortion in Poland (*Tysiac*, *R.R.* and *P. and S.* cases). Meetings were held with representatives of the Ministry of Health, the Government Agent's Office, the Ombudsman's Office and civil society organisations.

Considering the high number of pending cases concerning Romania revealing structural or complex problems, the DEJ carried out two missions to Romania. The high-level exchanges which took place notably with the Prime Minister's Chancellery, and the Secretary of State of the Ministry of Justice, focused, *inter alia*, on the placement of people with mental health conditions or disabilities in psychiatric hospitals or residential social care facilities, and the problems of overcrowding and inadequate conditions and care available in psychiatric hospitals; the criminal law response to sexual offences, including when victims are children; investigations into the crackdowns on anti-governmental demonstrations in 1989 and early 1990s; legal gender recognition.

Also, the Department had online consultations with representatives of the Romanian Ministry of Justice, the Government Secretariat General and the Department for Inter-ethnic Relations, which led to the submission of a calendar for the enactment of the legislative changes required to implement a judgment concerning electoral rights of national minorities in Romania (*Cegolea* case). The DEJ also held online consultations with senior officials from the National Prison Administration, focusing

on the implementation of judgments concerning psychiatric treatment and care in detention (*Ticu* group of cases).

In addition, a study visit was organised for staff in the Romanian Supreme Council of Magistracy. The visit focused on areas of relevance for the judicial and prosecutorial activity in Romania, such as the investigations and proceedings into domestic and sexual violence against women and children, hate crime and hate speech, deaths or ill treatment inflicted by State agents, and judicial protection in the field on non-voluntary measures in mental health care.

An informative meeting was held in Belgrade, Serbia, with representatives of the municipality of Voždovac on the execution of the *Kostić* case concerning the non-enforcement of an administrative demolition order concerning an unauthorised construction in Belgrade.

The DEJ held a meeting with representatives of the Ministry of Justice of the United Kingdom and the Scottish Government to exchange about the practice and procedures of the Committee of Ministers as well as on outstanding issues in pending cases against the UK. Best practices were also shared about the submission of action plans/reports and avenues to improve the cooperation between the DEJ and the United Kingdom.

The DEJ continued its close and continuous dialogue with the Ukrainian authorities. It notably organised a webinar for the legal staff of the Registry of the Constitutional Court of Ukraine which focused on knowledge sharing for a better understanding by the Registry of the work of the Committee of Ministers, the supervision process and the key role of Constitutional Courts in both the implementation of the Court's judgments and the human rights' protection at domestic level. It also provided a forum to discuss cases concerning various themes: non-enforcement of domestic judgments (*Zhovner/Ivanov/Burmych v. Ukraine* group of cases), judicial and prosecutorial independence (*Oleksandr Volkov v. Ukraine* group and *Lutsenko/Tymoshenko v. Ukraine* cases), freedom of movement (*Ignatov v. Ukraine* group) and life imprisonment without a review possibility (*Petukhov No. 2 v. Ukraine* group).

Also, the DEJ facilitated an online meeting of the Network of Experts on the Implementation by Ukraine of ECHR Judgments. The meeting dealt with challenges the Ukrainian authorities faced in 2022 and priorities for 2023. While reiterating their commitment to the Convention standards, members of the Network emphasized the need for out-of-the-box solutions to achieve progress in the implementation of the ECHR judgments in the context of the continuing aggression of the Russian Federation against Ukraine.

## Inter-institutional dialogue

Twice in 2022, the DEJ took part in tripartite meetings on monitoring compliance with decisions of international courts of human rights and of UN Treaty Bodies. Meetings involved the Executive Secretary of the Inter-American Court of Human Rights and the Registrar of the African Court of Human and Peoples' Rights. It offered a unique opportunity to exchange on challenges faced in enforcement of obligations arising from the indications in the judgments of the respective courts, including the

domestic capacity to comply with such judgments, and the root causes of human rights breaches and ways to address them.

## A.2. Co-operation with Civil Society Organisations (CSOs) and National Human Rights Institutions (NHRIs)

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The vital role which is played by civil society in achieving the aims pursued by the Council of Europe and in the development of human rights and the rule of law was once again underlined by the CM in the aforementioned decision adopted at its 132nd Session in Turin. The importance of CSOs and NHRIs was also highlighted in the above-mentioned 2022 CM *Guidelines on the prevention and remedying of violations of the Convention*. These Guidelines recommend, *inter alia*, that member States promote the engagement of and interaction with CSOs and NHRIs when implementing the Convention and consult them especially when draft laws and policy strategies are considered in the context of the execution of ECHR judgments.

In 2022, CSOs and NHRIs set again a new record of number of Rule 9 communications submitted to the CM: 217 communications concerning 29 States, thus further enhancing the participatory character and transparency of the execution process. In the context of the missions carried out by the DEJ to member States in 2022, meetings or on-line consultations were also held with NHRIs as well with CSOs which have been involved in the execution process notably through submission of Rule 9 communications to the CM.

In October 2022, the DEJ participated in the High-Level Network Meeting on Rule of Law organised by the European Network of NHRIs (ENNHRI). The main goal of this high-level consultation event was to allow interactive discussion between heads of NHRIs and high-level experts from across ENNHRI's membership. The meeting benefited also from inputs by associations representing key rule of law actors in Europe (judges, media, civil society) as well as interventions by regional policy-makers.

## A.3. Media and publications

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In 2022, the DEJ continued to update regularly its website with news items on important developments concerning execution at national level, as well as on the decisions adopted by the CM at its four Human Rights meetings. As of end December 2022, the DEJ Twitter account had 5 245 followers, increased by 17.8% (compared to 4 450 in 2021). Besides the webpages of the Country Factsheets and the Thematic Factsheets produced by the DEJ containing examples of execution measures adopted by member States (see below) continued to be some of the most visited webpages on the DEJ website which was viewed 78 801 times in 2022.

The DEJ also prepared and published six new thematic factsheets providing examples of general and individual measures reported by States in the context of the execution of the European Court's judgments. The six new thematic factsheets focused on the following issues: *Roma and Travellers, Domestic Violence, Protection of Property, Personal Data Protection, Reopening of Domestic Judicial Proceedings following the ECHR Judgments, Hate Crime and Hate Speech*. The same year, the DEJ updated two earlier thematic factsheets concerning *Constitutional Matters* and *Freedom of Religion*.

Lastly, in 2022 the DEJ prepared and published 20 memoranda (H/Exec documents) providing assessment and analysis of questions concerning individual and general measures in pending cases or groups of cases related to five member States (Bulgaria, Norway, Poland, Romania, and Turkey) and the Russian Federation. The DEJ also prepared and published an information document on the *Supervisory Role of the CM under Article 46 ECHR in respect of developments subsequent to a judgment of the European Court* (CM/Inf/DH(2022)9).

## B. General Co-operation activities and Action plans

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

The Directorate of Programme Co-ordination (DPC)<sup>15</sup> ensures, notably through regular contacts with DGI (DEJ and Department for the Implementation of Human Rights, Justice and Legal Co-operation Standards), that national Action Plans and other co-operation frameworks systematically include appropriate actions to meet specific needs arising from the European Court’s judgments and the Committee of Ministers’ supervision of their execution.

Following Russia’s aggression against Ukraine, the Council of Europe responded to the urgent needs of Ukrainian partners with its *Priority Adjustments to the Council of Europe Action Plan for Ukraine 2018-2022* which were adopted by the Committee of Ministers in Turin on 20 May 2022 and have been implemented up until the end of 2022. The new *Action Plan for Ukraine “Resilience, Recovery and Reconstruction” 2023-2026* was adopted on 14 December 2022 and will be implemented as from January 2023. The new *Action Plan for Armenia 2023-2026* was adopted on 3 November 2022 and its implementation will start as from January 2023.

In 2022, Action plans between the Council of Europe and member States were also implemented in Armenia (2019-2022), Azerbaijan (2022-2025), Bosnia and Herzegovina (2022-2025), Georgia (2020-2023) and the Republic of Moldova (2021-2024). They include actions that support the execution of the Court’s judgments revealing structural problems and the need for long-term, continuing efforts. Such support has also been given through targeted co-operation activities implemented in 2022 with EU support in Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, Serbia and Türkiye.

The year 2022 saw a continuation of the special efforts within DGI aiming at responding quickly to national requests for co-operation activities related to the implementation of the Convention and, notably, to assist in ensuring the timely execution of

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15. The former Office of the Directorate General of Programmes (ODGP) was renamed Directorate of Programme Co-ordination (DPC) as from 1 November 2022.

the Court's judgments (in particular pilot judgments). In view of the scarce funding available from the Council of Europe's ordinary budget, the organisation of such targeted Convention-related projects heavily depends on extra-budgetary resources, notably joint programmes with the EU, member States' voluntary contributions, including within the Human Rights Trust Fund (HRTF).<sup>16</sup>

### C. Targeted Convention-related co-operation activities

In 2022, Council of Europe projects, funded by HRTF as well as other sources, continued to provide streamlined support to the implementation of the European Convention on Human Rights at the national, regional and multilateral levels in the areas where such support was most needed. In particular, it concerns member States having a large number of applications before the European Court, as well as systemic and repetitive issues requiring concrete action and a multilateral/thematic approach. An excellent example is the project *Enhancing Subsidiarity: Support to the ECHR Knowledge-sharing and Superior Courts Dialogue* launched in July 2022. The project aims at capacitating national judiciaries to better understand and apply the Convention standards in day-to-day practice by ensuring they have access to up-to-date ECHR knowledge in key languages as well as to peer-to-peer workshops on best national practices in this area, and the case management methodology applicable in their day-to-day work. The project is implemented jointly by the Directorate General of Human Rights and Rule of Law and the Registry of the European Court of Human Rights.

In 2022, the HRTF continued to support the execution of the Court's judgments through a multilateral project to promote human rights and equality for LGBTI persons, a project in Romania aimed to strengthen the provision of healthcare (including mental healthcare) in prisons, and projects in Armenia, Azerbaijan, the Republic of Moldova and Ukraine (see below).

A new multilateral project *Support to efficient domestic capacity for the execution of ECHR judgments* funded by HRTF started in January 2023. The project aims at establishing a benchmark by looking into the existing situation in the member States and attempting to highlight effective models of various processes related to the execution of judgments of the Court at the domestic level. It will also lay the basis for more effective knowledge and experience sharing and aims to establish a collective responsibility network to support each other in the execution of the Court's judgments.

In the framework of the Council of Europe Action Plan for Armenia, the HRTF-co-funded project *Support for the execution by Armenia of judgments in respect of Article 6 of the European Convention on Human Rights* implemented in 2021-2022, aimed at ensuring the Convention-compliant execution of the European Court's judgments in respect of Article 6 of the Convention. It provided the relevant authorities with comprehensive proposals and recommendations with a view to enhancing the effectiveness of the ECHR system at national level, notably through the

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16. The HRTF brings together eight contributors – Finland, Germany, Ireland (as of July 2022), Luxembourg, the Netherlands, Norway, Switzerland and the United Kingdom.

establishment of an interagency committee and the improvement of the legislation regulating the functioning of the Government's Agent Office. It also aimed to reducing the excessive length of proceedings, to improve access to justice, including for people with legal incapacity, to enhance the independence and impartiality of judges and to improve the application of Protocol No. 16 to the Convention. A follow-up project *Support to the effective execution of the judgments of the European Court of Human Rights in Armenia* is implemented as from January 2023. The project will focus in particular on the problem of excessive length of judicial proceedings, late or non-execution of national courts' judgments, effective judicial control over the pre-trial stage of the proceedings, right to freedom of assembly, and effective investigations into allegations of ill-treatment and deaths.

In the framework of the Council of Europe Action Plan for Azerbaijan, the HRTF-funded project *Support for the improvement of the execution of the European Court judgments by Azerbaijan* started in September 2022. The project will support the revision of the national practices to ensure prevention of – and provide redress for – the human rights violations that occur in the most frequent cases being lodged with the European Court.

In the framework of the Council of Europe Action Plan for the Republic of Moldova, and specifically the project *Strengthening the Human Rights Compliant Criminal Justice System in the Republic of Moldova*, funded by voluntary contributions, the work has continued on strengthening the national capacities to ensure the consistent application of the European Court's case-law by national courts, to prevent ill-treatment and torture and make use of pre-trial detention in line with the ECHR, as well as to ensure relevant human rights safeguards in criminal law and criminal procedure. The project is based on the ECtHR cases (including *Șarban, Paladi, Modârca, and Boicenco*).

The project *Strengthening the prison and probation reforms, provision of health care and treatment of patients in closed institutions in the Republic of Moldova* supports the implementation of measures required for execution of the case of *I.D.* concerning the poor conditions of detention in establishments under the authority of the Ministries of Interior and Justice. The support is aimed to prevent violations of the prohibition of inhuman and degrading treatment on the grounds of poor conditions of detention and lack of access to adequate medical care (including specialised medical treatment) in these facilities in accordance with Article 3 of the ECHR. In 2022, the project started a pilot initiative in three prisons (female, juvenile and male prisons) aimed at promoting resocialisation of inmates and dynamic security in the prison management.

The HRTF-funded project *Ensuring the effective implementation of the right to a fair trial (Article 6 of the ECHR) in Ukraine* was refocused following the Russian Federation's aggression against Ukraine in order to meet the urgent needs and priorities of the Ukrainian partners and stakeholders. Through several projects funded by different sources, extensive assistance was provided to analyse the impact of derogation made by Ukraine from certain articles of the ECHR and other related Council of Europe instruments regarding the judiciary and develop subsequent recommendations for judges. Also, the functioning of the self-governing judicial bodies was identified as one of the most acute issues for the Ukrainian judiciary in the time of war, with reference to the Council of Europe standards and in compliance with Article 6 of the ECHR.

Assistance continued to be provided to the South-East Europe region and Türkiye through the European Union/Council of Europe Joint Programme *Horizontal Facility for the Western Balkans and Turkey – Phase II*. In Albania, a targeted action aimed to facilitate the execution of ECHR judgements on property rights contributed to the preparations of the legal framework on the treatment of property and compensation of property revision in accordance with the requirements of the Court in its decision *Beshiri and Others v. Albania*. In addition, assistance provided the authorities with the necessary guidance to adequately address the situation of psychiatric forensic patients and treatment of prisoners with mental health disorders, related to execution respectively of the judgments *Strazimiri v. Albania* and *Budo v. Albania*. It is becoming the norm that a prisoner's restraint in a hospital setting is not conducted any longer by handcuffing the prisoners at the hospital bed, but through an additional security staff in the hospital room. Cell lights at night are dimmed to allow for a suitable check, but without disturbing the prisoners' ability to sleep at night.

The extensive and continuous communication between the Council of Europe and the local authorities on the execution of the ECHR judgment in *Zorica Jovanović v. Serbia* directly resulted in aligning the proposed amendments to the Law on the National DNA Registration with the international best practices and standards related to the proper functioning of the fact-finding mechanism necessary for the identification of new-borns suspected to have gone missing from maternity wards in Serbia. These amendments still remain to be adopted.

Support in Bosnia and Herzegovina, funded by voluntary contributions, aims to ensure legal certainty. This entails working on the adoption of concrete measures required for execution of the ECHR judgment *Hadžimejlić and Others*, concerning violations of the applicants' right to liberty and security on account of their unlawful placement in a social care home.

Lastly, a new HRTF-funded regional project *HELP in the Western Balkans* starts in January 2023. It will build on the results achieved in the region<sup>17</sup> so far and will ensure their sustainability. The HELP programme has been instrumental in the context of the continued pandemic, as it has served as the basis for all the projects implemented in South-East Europe and has innovative perspectives through the further development of the methodology based on the lessons learnt over the recent years.

## D. Human Rights Education for Legal Professionals

In 2022, the European Programme for Human Rights Education for Legal Professionals (HELP Programme) continued to provide invaluable support for the implementation of the European Court's judgments in the 46 member States. Its flexible methodology and reliance on a hybrid format of training (face-to-face and online training) has proved crucial in supporting European Justice Training Institutions and legal professionals, and increasingly other professional groups, in the post Covid-19 pandemic context by easily adapting its format to each country. At the end of 2022,

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17. Albania, Bosnia and Herzegovina, Montenegro, North Macedonia and Serbia.



the number of users of the HELP online Platform (<http://help.elearning.ext.coe.int/>) reached 118 000 (compared to 40 000 by the end of 2019 and with a growth of almost 24 000 users since 2021).

In support of these efforts, the Committee of Ministers, in its Human Rights decisions concerning pending cases, frequently invites respondent States to take advantage of the different co-operation programmes and projects offered by the Council of Europe, including the HELP Programme. In 2022, the HELP Programme, in close cooperation with the DEJ, launched and implemented national versions of the HELP online course on Introduction to the European Convention on Human Rights and the European Court of Human Rights, including a dedicated module on the Execution of the Court's Judgments in seven countries for 19 groups of participants (gathering 2 315 legal professionals and 2 322 law students). The high number of participants is also due to the fact that some Judicial Training Institutions (such as in Italy, Romania, Serbia, Spain, Türkiye) have launched the course for candidate judges and prosecutors, as part of their initial training.

This online course, developed with the Registry of the European Court and the DEJ, is now available in 29 language versions on the HELP e-learning Platform and has 11 000 enrolled users (out of which 3 767 already completed it and obtained their digital certificate, totalling over 22 000 learning hours). Only in 2022, there were 2 235 new users enrolled in the various language versions of the course, with 941 completing it and totalling 5 646 e-learning hours.

Other HELP courses have been piloted in direct link to the implementation of specific ECHR judgments, such as the launch of the HELP course on Fight against Racism, Xenophobia, Homophobia, Transphobia, for Romanian prosecutors in the context of the [implementation of the case \*M.C. and A.C.\*](#)

The HELP Programme has now 46 HELP online training courses in its catalogue, which deal with most of the Convention issues. In 2022, there were 150 HELP course launches in 23 members States and beyond, with 8 808 legal professionals enrolled in the tutored courses. At the same time, 28 HELP courses were launched for law students, with 6248 enrolled.

HELP activities are usually tailored to the country's legal framework, including specific Convention issues raised in the national context: more than 450 national adaptations of HELP courses have already been carried out in member States and are available on the HELP platform. HELP courses related to the Rule of Law have been widely requested and contextualised at national level such as Ethics for judges, prosecutors and lawyers; Procedural Safeguards in Criminal matters and Victims' Rights; Judicial Reasoning; Access to Justice for Women; and Freedom of Expression.

## IV. Statistics

### A. Overview

#### A.1. Country by country overview<sup>18</sup>



##### Albania

In 2022, the Committee of Ministers received from the European Court eight cases against Albania for supervision of their execution (compared to five in 2021 and three in 2020).

On 31 December 2022, Albania had 36 cases pending execution (compared to 31 in 2021 and 29 in 2020), of which four were leading cases classified under enhanced procedure (compared to two in 2021 and two in 2020), and 12 were leading cases classified under standard procedure. Of the leading cases under enhanced procedure, one has been pending for five years or more; similarly, three of the leading cases under standard procedure have been pending for five years or more (compared to two in 2021 and one in 2020). The pending caseload includes notably one group concerning length of judicial proceeding, one group concerning mentally ill persons who are subject to deprivation of liberty based on a court-ordered compulsory medical treatment and one group concerning demolition of a building in an Albanian coastal town. Of the new violations found by the Court in 2022, one of them concerned discrimination at school due to delays and non-implementation of desegregating measures.

In the course of 2022, the Committee of Ministers examined and adopted decisions in respect of three leading cases or groups of cases under enhanced procedure. The Committee closed three cases under standard supervision, of which one repetitive case because no further individual measures were necessary or possible. The authorities submitted action plans,<sup>19</sup> action reports and communications in seven cases. Updated action plans/action reports or communications containing additional information were awaited in respect of nine cases, in which feedback was sent by the DEJ before 1 January 2022.

Finally, full payment of the just satisfaction awarded by the Court was registered in 5 cases in 2022, while confirmation of full payment and/or default interests was awaited in 11 cases for which the deadline indicated in the Court's judgment has passed since more than six months.

18. In many pending repetitive cases the supervision of execution continues, and the question of individual measures can be closed in a given case once the measures required to provide redress to all the applicants in that case have been adopted by the respondent States.

19. According to the Committee's working methods, the authorities are required to provide an action plan or report within six months of the judgment becoming final, while action plans should be regularly updated with information on the progress achieved with respect to their implementation.



## **Andorra**

On 31 December 2022, Andorra had no case pending execution (as was the case also in 2021 and 2020).



## **Armenia**

In 2022, the Committee of Ministers received from the European Court 19 cases against Armenia for supervision of their execution (compared to 22 in 2021 and 15 in 2020).

On 31 December 2022, Armenia had 57 cases pending execution (compared to 50 in 2021 and 42 in 2020), of which six were leading cases classified under enhanced procedure (compared to five in 2021 and five in 2020), and 17 were leading cases classified under standard procedure. Of the leading cases under enhanced procedure, four have been pending for five years or more; similarly, five of the leading cases under standard procedure have been pending for five years or more (compared to four in 2021 and three in 2020). The pending caseload includes notably one group concerning freedom of assembly, one group concerning police ill-treatment and one group concerning healthcare in prisons. Of the new violations found by the Court in 2022, one concerned hate crime and one concerned conditions of detention.

In the course of 2022, the Committee of Ministers examined and adopted decisions in respect of one group of cases under enhanced procedure. The Committee closed 12 cases, including seven leading cases under standard supervision. In particular, it was possible to close one leading case concerning the protection of property rights, following legislative amendments in the Code of Administrative Offences. In addition, five repetitive cases were closed because no further individual measures were necessary or possible. The authorities submitted 17 action plans or action reports and one communication. Updated action plans/action reports were awaited in respect of five groups/cases, in which either the deadline set by the Committee of Ministers in this respect has expired (four groups of cases) or feedback was sent by the DEJ before 1 January 2022 (one case).

Finally, full payment of the just satisfaction awarded by the Court was registered in 21 cases in 2022, while confirmation of full payment and/or default interests was awaited in one case for which the deadline indicated in the Court's judgment has passed since more than six months.



## **Austria**

In 2022, the Committee of Ministers received from the European Court two cases against Austria for supervision of their execution (compared to seven in 2021 and one in 2020).

On 31 December 2022, Austria had six cases pending execution (compared to 12 in 2021 and 13 in 2020), of which three were leading cases classified under standard procedure. Of the leading cases under standard procedure none had been pending for five years or more (compared to two in 2021 and three in 2020).

In the course of 2022, the Committee of Ministers closed eight cases, including three leading cases under standard supervision. The authorities submitted 12 action plans/reports and one communication.

Finally, full payment of the just satisfaction awarded by the Court was registered in three cases in 2022, while confirmation of full payment and/or default interests was awaited in one case for which the deadline indicated in the Court's judgment has passed since more than six months.



## **Azerbaijan**

In 2022, the Committee of Ministers received from the European Court 49 cases against Azerbaijan for supervision of their execution (compared to 46 in 2021 and 51 in 2020).

On 31 December 2022, Azerbaijan had 285 cases pending execution (compared to 271 in 2021 and 235 in 2020), of which 21 were leading cases classified under enhanced procedure (compared to 21 in 2021 and 20 in 2020), and 32 were leading cases classified under standard procedure. Of the leading cases under enhanced procedure, 13 have been pending for five years or more; similarly, 17 of the leading cases under standard procedure have been pending for five years or more (compared to 18 in 2021 and 17 in 2020). The pending caseload includes notably one group concerning the arrest and detention of the applicants which the European Court found to constitute a misuse of criminal law with the intention to punish and silence them; seven groups concerning freedom of expression, three groups concerning lack of effective investigations into deaths of the applicant's next of kin or their ill-treatment and two groups concerning freedom of assembly and association. Of the new violations found by the Court in 2022, some of them concerned substantial and/or procedural violations of the right to life, some of them concerned violations of the right to freedom of association, and one of them concerned arbitrary refoulement.

In the course of 2022, the Committee of Ministers examined and adopted decisions in respect of five leading cases or groups of cases under enhanced procedure; two of these groups were examined by the Committee at least twice during the year; one of which was examined in all four Human Rights meetings. The Committee closed 35 cases, including one leading case under enhanced and two leading cases under standard supervision. In particular, it was possible to close one repetitive case under enhanced supervision concerning Article 18 following the judgment of the Plenum of the Supreme Court of Azerbaijan quashing the criminal convictions of the applicants in criminal proceedings which had been found to be abusive by the European Court. The authorities submitted a total of 47 action plans, action reports and communications. Initial action plans/action reports were awaited in respect of 17 groups/cases despite the expiry of the extended deadline in this respect. Updated action plans/action reports or communications containing additional information were awaited in respect of six cases, in which feedback was sent by the DEJ before 1 January 2022.

Finally, full payment of the just satisfaction awarded by the Court was registered in 38 cases in 2022, while confirmation of full payment and/or default interests was awaited in 45 cases for which the deadline indicated in the Court's judgment has passed since more than six months.

 **Belgium**

In 2022, the Committee of Ministers received from the European Court 19 cases against Belgium for supervision of their execution (compared to 14 in 2021 and 14 in 2020).

On 31 December 2022, Belgium had 44 cases pending execution (compared to 37 in 2021 and 31 in 2020), of which seven were leading cases classified under enhanced procedure (compared to five in 2021 and 2020, respectively), and 14 were leading cases classified under standard procedure. Of the leading cases under enhanced procedure, four have been pending for five years or more; similarly, one of the leading cases under standard procedure has been pending for five years or more (compared to two in 2021 and none in 2020). The pending caseload includes notably one case concerning poor conditions of detention in prisons and the lack of an effective preventive remedy; one group of cases (including a pilot judgment) on the inappropriate detention of persons with mental disabilities and the lack of an effective remedy in this respect; one group of cases concerning the right to free elections and the lack of an effective remedy to contest election results; and one group of cases concerning the excessive length of civil and criminal proceedings.

In the course of 2022, the Committee of Ministers examined and adopted decisions in respect of three leading cases or groups of cases under enhanced procedure. The Committee closed 12 cases, including five leading cases under standard supervision. In particular, it was possible to close two leading cases following legislative amendments, one concerning freedom of religion and one concerning the possibility for detainees to complain about certain measures during detention. In addition, three repetitive cases were closed because no further individual measures were necessary or possible. The authorities submitted 17 action plans, eight action reports and/or three communications. Updated action plans/action reports or communications containing additional information were awaited in respect of four groups/cases, in which feedback was sent by the DEJ before 1 January 2022.

Finally, full payment of the just satisfaction awarded by the Court was registered in 16 cases in 2022, while confirmation of full payment and/or default interests was awaited in three cases for which the deadline indicated in the Court's judgment has passed since more than six months.

 **Bosnia and Herzegovina**

In 2022, the Committee of Ministers received from the European Court 23 cases against Bosnia and Herzegovina for supervision of their execution (compared to 18 in 2021 and 11 in 2020).

On 31 December 2022, Bosnia and Herzegovina had 42 cases pending execution (compared to 34 in 2021 and 2020), of which one was leading case classified under enhanced procedure (compared to one in 2021 and four in 2020), and 10 were leading cases classified under standard procedure. Of the leading cases under enhanced procedure, one has been pending for five years or more; similarly, three of the leading cases under standard procedure have been pending for five years or more (compared

to three in 2021 and no cases in 2020). The pending caseload includes notably one group concerning ethnic discrimination in elections, one group concerning delayed enforcement of domestic judgments, and another one concerning excessive length of judicial proceedings. Of the new violations found by the Court in 2022, most of them concerned delayed or non-enforcement of domestic judgments.

In the course of 2022, the Committee of Ministers examined and adopted decisions in respect of one group of cases under enhanced procedure; it was examined by the Committee twice during the year. The Committee closed 15 cases, including two leading cases under standard supervision. In addition, nine repetitive cases were closed because no further individual measures were necessary or possible. The authorities submitted 16 action plans and action reports.

Finally, full payment of the just satisfaction awarded by the Court was registered in 17 cases in 2022, while confirmation of full payment and/or default interests was awaited in 12 cases for which the deadline indicated in the Court's judgment has passed since more than six months.



## **Bulgaria**

In 2022, the Committee of Ministers received from the European Court 37 cases against Bulgaria for supervision of their execution (compared to 47 in 2021 and 34 in 2020).

On 31 December 2022, Bulgaria had 182 cases pending execution (compared to 164 in 2021 and 166 in 2020), of which 30 were leading cases classified under enhanced procedure (compared to 20 in 2021 and 18 in 2020), and 63 were leading cases classified under standard procedure. Of the leading cases under enhanced procedure, 22 have been pending for five years or more; similarly, 32 of the leading cases under standard procedure have been pending for five years or more (compared to 34 in 2021 and 28 in 2020). The pending caseload includes notably a group concerning prison conditions, two cases concerning placement or living conditions in social care homes, one case concerning lack of independent investigation against the Chief Prosecutor, one group concerning lack of effective investigation, a group concerning freedom of association and one group concerning police ill treatment. Of the new violations found by the Court in 2022, some concerned restrictions on a judge's freedom of expression predominantly for a purpose not covered by the Convention; failure to discharge a duty to respond adequately to deadly attacks motivated by hostility towards victims' actual or presumed sexual orientation; failure to protect a woman's life in the context of repeated incidents of domestic violence; lack of sufficient safeguards against abuse in the operation of a system of secret surveillance and of a system of retention and accessing of communications data.

In the course of 2022, the Committee of Ministers examined and adopted decisions in respect of six leading cases or groups of cases under enhanced procedure; two of these groups were examined by the Committee at least twice during the year. The Committee closed 19 cases, including 10 leading cases under standard supervision. In particular, it was possible to close one leading cases, concerning prisoners' right to private life, following legislative amendments. In addition, four repetitive cases

were closed because no further individual measures were necessary or possible. The authorities submitted 22 action plans, 18 action reports and/or 19 other communications. Updated action plans/action reports or communications containing additional information were awaited in respect of 35 groups/cases, in which either the deadline set by the Committee of Ministers in this respect has expired (two cases/groups) or feedback was sent by the DEJ before 1 January 2022 (33 cases).

Finally, full payment of the just satisfaction awarded by the Court was registered in 10 cases in 2022, while confirmation of full payment and/or default interests was awaited in 17 cases for which the deadline indicated in the Court's judgment has passed since more than six months.



## Croatia

In 2022, the Committee of Ministers received from the European Court 38 cases against Croatia for supervision of their execution (compared to 46 in 2021 and 26 in 2020).

On 31 December 2022, Croatia had 77 cases pending execution (compared to 79 in 2021 and 73 in 2020), of which two were leading cases classified under enhanced procedure (compared to two in 2021 and two in 2020), and 22 were leading cases classified under standard procedure. Of the leading cases under enhanced procedure, one has been pending for five years or more; similarly, six of the leading cases under standard procedure have been pending for five years or more (compared to seven in 2021 and 11 in 2020). The pending caseload includes notably one group of cases concerning excessive length of judicial proceedings. Of the new violations found by the Court in 2022, one of them concerned, *inter alia*, collective expulsion of migrants.

In the course of 2022, the Committee of Ministers examined and adopted decisions in respect of one group of cases under enhanced procedure. The Committee closed 40 cases, including one leading case under enhanced and 21 leading cases under standard supervision. In particular, it was possible to close one leading case concerning ineffective investigations into war crimes and one leading case concerning ineffective investigations into hate crimes following notably the introduction of prosecutorial investigation and the establishment of an effective domestic remedy. In addition, one repetitive case was closed because no further individual measures were necessary or possible. The authorities submitted 30 action plans and action reports and two communications.

Finally, full payment of the just satisfaction awarded by the Court was registered in 34 cases in 2022, while confirmation of full payment and/or default interests was awaited in one case for which the deadline indicated in the Court's judgment has passed since more than six months.



## Cyprus

In 2022, the Committee of Ministers received from the European Court three cases against Cyprus for supervision of their execution (compared to four in 2021 and three in 2020).

On 31 December 2022, Cyprus had 10 cases pending execution (compared to 13 in 2021 and 10 in 2020), of which one was a leading case classified in the enhanced procedure (compared to two in both 2021 and 2020), and seven were leading cases classified in the standard procedure. The leading case in the enhanced procedure had been pending for five years or more, but that was not the case for any of the leading cases in the standard procedure. The pending caseload includes cases concerning poor conditions of detention in general and pending deportation respectively. The new violations found by the Court in 2022 concerned notably the length of criminal proceedings.

In the course of 2022, the Committee of Ministers examined and adopted decisions in respect of one group of cases in the enhanced procedure. The Committee closed six cases, including one leading case in enhanced and two leading cases in standard procedure. In particular, it was possible to a group concerning ill-treatment by the police and failure to adequately investigate, following measures to increase promptness of investigations, improve collection of evidence and provide safeguards against ill-treatment. The authorities submitted four action plans, and eight action reports. An updated action plan/action report was awaited in respect of one case, in which feedback was sent by the DEJ before 1 January 2022.

Finally, full payment of the just satisfaction awarded by the Court was registered in four cases in 2022.



## **Czech Republic**

In 2022, the Committee of Ministers received from the European Court six cases against Czech Republic for supervision of their execution (compared to four in 2021 and three in 2020).

On 31 December 2022, the Czech Republic had seven cases pending execution (compared to six in 2021 and four in 2020), of which one was a leading case classified under enhanced procedure (number unchanged in comparison with 2021 and with 2020), and three were leading cases classified under standard procedure. The only leading case under enhanced procedure has been pending for more than five years. The pending caseload includes cases concerning segregation of Roma children in education, or unfairness of criminal proceedings. Of the new violations found by the Court in 2022, some of them concerned the payment of compensation for expropriated property or excessive length of detention on remand pending extradition.

In the course of 2022, the Committee of Ministers examined and adopted decisions in respect of one leading case under enhanced procedure. The Committee closed five repetitive cases under standard supervision. The authorities submitted two action reports and one communication.

Finally, full payment of the just satisfaction awarded by the Court was registered in nine cases.





## Denmark

In 2022, the Committee of Ministers received from the European Court one case against Denmark for supervision of its execution (compared to three in 2021 and one in 2020).

On 31 December 2022, Denmark had four cases pending execution (compared to four in 2021 and one in 2020), of which three were leading cases classified under standard procedure. The pending caseload includes notably two cases concerning expulsion orders combined with permanent re-entry bans following criminal convictions of settled migrants (violation of Article 8).

In the course of 2022, the Committee closed one case. The authorities submitted five action plans, action reports and two communications.

Finally, full payment of the just satisfaction awarded by the Court was registered in three cases in 2022.



## Estonia

In 2022, the Committee of Ministers received from the European Court four cases against Estonia for supervision of their execution (compared to three in 2021 and two in 2020).

On 31 December 2022, Estonia had three cases pending execution (compared to one in 2021 and two in 2020), all of them leading cases classified under standard procedure. The pending caseload includes cases concerning discrimination of persons in pre-trial detention compared to convicted prisoners, insufficient procedural safeguards to protect lawyer-client privileged data, and the failure to conduct effective investigation into sexual abuse.

In the course of 2022, the Committee closed two cases, including one leading case under standard supervision. The authorities submitted six action plans and action reports.

Finally, full payment of the just satisfaction awarded by the Court was registered in three cases in 2022.



## Finland

In 2022, the Committee of Ministers did not receive from the European Court any case against Finland for supervision of its execution (compared to none in 2021 and two in 2020).

On 31 December 2022, Finland had 18 cases pending execution (compared to 18 in 2021 and 31 in 2020), of which one was a leading case classified in the enhanced procedure (compared to one in 2021 and none in 2020), and eight were leading cases classified in the standard procedure. The leading case in the enhanced procedure has been pending for five years or more; similarly all eight of the leading cases in the standard procedure (compared to eight in 2021 and nine in 2020). The pending

caseload includes notably one case concerning the lack of adequate legal safeguards for involuntary confinement in psychiatric hospitals and the forcible administration of medication (violation of Article 8).

The authorities submitted two action plans and one communication in 2022. Updated action plans/reports were awaited in respect of eight groups/leading cases and one clone of a closed leading case in which feedback was sent by the DEJ before 1 January 2022.



## France

In 2022, the Committee of Ministers received from the European Court 21 cases against France for supervision of their execution (compared to 14 in 2021 and 13 in 2020).

On 31 December 2022, France had 39 cases pending execution (compared to 32 in 2021 and 35 in 2020), of which five were leading cases classified under enhanced procedure (compared to four in 2021 and 2020, respectively), and 22 were leading cases classified under standard procedure. Of the leading cases under standard procedure four have been pending for five years or more (compared to four in 2021 and six in 2020). The pending caseload includes notably two cases concerning the protection of unaccompanied migrant children; one case on poor conditions of detention in prisons and the lack of an effective preventive remedy; one group of cases concerning the expulsion of persons convicted for terrorist offences despite interim measures indicated by the European Court; and one case concerning the lack of safeguards against arbitrariness in the examination of requests to repatriate women of French nationality and their children from camps in Syria.

In the course of 2022, the Committee of Ministers examined and adopted decisions in respect of four leading cases or groups of cases under enhanced procedure. The Committee closed 14 cases, including eight leading cases under standard supervision. In particular, it was possible to close one leading case, concerning the storage of DNA profiles, following legislative amendments. The authorities submitted four action plans, 24 action reports and one communication. An updated action plan/report or a communication containing additional information was awaited in respect of one case, in which feedback was sent by the DEJ before 1 January 2022.

Finally, full payment of the just satisfaction awarded by the Court was registered in nine cases in 2022, while confirmation of full payment and/or default interests was awaited in four cases for which the deadline indicated in the Court's judgment has passed since more than six months.



## Georgia

In 2022, the Committee of Ministers received from the European Court 10 cases against Georgia for supervision of their execution (compared to 12 in 2021 and 13 in 2020).

On 31 December 2022, Georgia had 68 cases pending execution (compared to 63 in 2021 and 53 in 2020), of which six were leading cases classified under enhanced procedure (compared to five in 2021 and five in 2020), and 21 were leading cases classified under standard procedure. Of the leading cases under enhanced procedure, five have been pending for five years or more; similarly, five of the leading cases under standard procedure have been pending for five years or more (compared to four in 2021 and three in 2020). The pending caseload includes notably cases and groups of cases concerning ill-treatment, hate crimes and domestic violence, as well as ineffective investigations into them, restriction of the right to liberty and security for purposes not prescribed by the Convention, violations of the freedom of assembly and religion, the right to a fair trial. The new violations found by the Court in 2022 concerned the right to a fair trial and property rights.

In the course of 2022, the Committee of Ministers examined and adopted decisions in respect of four groups of cases under enhanced procedure. The Committee closed five cases, including two leading cases under standard supervision. In particular, it was possible to close one case concerning confidential communication between the imprisoned applicant and his lawyers and one case concerning unfair criminal proceedings. In addition, three repetitive cases were closed because no further individual measures were necessary or possible. The authorities submitted 20 action plans or action reports and one communication. Updated action plans/ action reports were awaited in respect of four cases, in which feedback was sent by the DEJ before 1 January 2022.

Finally, full payment of the just satisfaction awarded by the Court was registered in nine cases in 2022, while confirmation of full payment and/or default interests was awaited in two cases for which the deadline indicated in the Court's judgment has passed since more than six months.



## Germany

In 2022, the Committee of Ministers received from the European Court two cases against Germany for supervision of their execution (compared to five in 2021 and three in 2020).

On 31 December 2022, Germany had 14 cases pending execution (compared to 16 in 2021 and 12 in 2020), of which 12 were leading cases classified under standard procedure. Six of the leading cases under standard procedure have been pending for five years or more (compared to three in 2021 and none in 2020).

In the course of 2022, the Committee of Ministers closed four cases, including one leading case under standard supervision. The authorities submitted one action plan and five action reports.

Finally, full payment of the just satisfaction awarded by the Court was registered in four cases in 2022.



## Greece

In 2022, the Committee of Ministers received from the European Court 25 cases against Greece for supervision of their execution (compared to 29 in 2021 and 35 in 2020).

On 31 December 2022, Greece had 70 cases pending execution (compared to 93 in 2021 and 120 in 2020), of which seven were leading cases classified under enhanced procedure (compared to seven in 2021 and 2020), and 19 were leading cases classified under standard procedure. Of the leading cases under enhanced procedure, six have been pending for five years or more; similarly, seven of the leading cases under standard procedure have been pending for five years or more (compared to 12 in 2021 and 11 in 2020). The pending caseload includes notably one group concerning poor conditions of detention in prisons, one group concerning freedom of association and one group concerning police ill treatment and ineffective investigations. Of the new violations found by the Court in 2022, notably four concerned delayed or non-enforcement of final domestic judgments and two concerned freedom of expression.

In the course of 2022, the Committee of Ministers examined and adopted decisions in respect of two leading cases or groups of cases under enhanced procedure; one of these groups was examined by the Committee at least twice during the year. The Committee closed 48 cases, including 14 leading cases under standard supervision. In particular, it was possible to close one leading case, concerning shortcomings in providing medical treatment to prisoners and lack of an effective remedy in this respect. In addition, 10 repetitive cases were closed because no further individual measures were necessary or possible. The authorities submitted 28 action plans and action reports and 13 communications. Updated action plans/action reports or communications containing additional information were awaited in respect of eight cases, on which feedback was sent by the DEJ before 1 January 2022.

Finally, full payment of the just satisfaction awarded by the Court was registered in 24 cases in 2022, while confirmation of full payment and/or default interests was awaited in one case for which the deadline indicated in the Court's judgment has passed since more than six months.



## Hungary

In 2022, the Committee of Ministers received from the European Court 63 cases against Hungary for supervision of their execution (compared to 52 in 2021 and 61 in 2020).

On 31 December 2022, Hungary had 219 cases pending execution (compared to 265 in 2021 and 276 in 2020), of which 14 were leading cases classified under enhanced procedure (compared to 14 in 2021 and 13 in 2020), and 29 were leading cases classified under standard procedure. Of the leading cases under enhanced procedure, 10 have been pending for five years or more; similarly, 18 of the leading cases under standard procedure have been pending for five years or more (compared to 22 in 2021 and 24 in 2020). The pending caseload includes notably one case concerning

the premature termination of the applicant's mandate as President of the former Supreme Court (lack of access to court and freedom of expression); one group (including a pilot judgment) concerning poor conditions of detention in prisons and the lack of effective remedies in this respect; one group (including a pilot judgment) concerning excessive length of judicial proceedings and the lack of an effective remedy in this respect; one group concerning ill-treatment by law enforcement officers and ineffective investigations; two groups concerning migration and asylum, including the prohibition of collective expulsions; one group concerning the lack of safeguards against abuse in legislation on secret surveillance; one group concerning life sentences without parole in combination with the lack of an adequate review mechanism; one case concerning the discriminatory assignment of children of Roma origin to schools for children with mental disabilities; and one group of cases concerning insufficiently reasoned or excessively lengthy pre-trial detention. Of the new violations found by the Court in 2022, most concerned lengthy judicial proceedings or pre-trial detention.

In the course of 2022, the Committee of Ministers examined and adopted decisions in respect of eight leading cases or groups of cases under enhanced procedure. The Committee closed 109 cases, including four leading cases under standard supervision. In particular, it was possible to close two leading cases concerning the functioning of the judiciary following legislative amendments and a change of the domestic courts' case-law. In addition, 53 repetitive cases were closed because no further individual measures were necessary or possible. The authorities submitted two action plans, 13 action reports and four communications. Updated action plans/ action reports or communications containing additional information were awaited in respect of 12 groups/cases, in which either the deadline set by the Committee of Ministers in this respect has expired (four cases) or feedback was sent by the DEJ before 1 January 2022 (eight cases).

Finally, full payment of the just satisfaction awarded by the Court was registered in 135 cases in 2022, while confirmation of full payment and/or default interests was awaited in 56 cases for which the deadline indicated in the Court's judgment has passed since more than six months.



## Iceland

In 2022, the Committee of Ministers received from the European Court three cases against Iceland for supervision of their execution (compared to seven in 2021 and eight in 2020).

On 31 December 2022, Iceland had five cases pending execution (compared to six in 2021 and 12 in 2020), of which none were leading cases classified under enhanced procedure (compared to one in 2021), and one was a leading case classified under standard procedure. The pending caseload includes notably one case concerning the failure to inform the applicant of criminal charges against him and delay in providing access to legal assistance.

In the course of 2022, the Committee of Ministers examined and adopted decisions in respect of one leading case under enhanced procedure. The Committee closed

four cases, including one leading case under enhanced and one leading case under standard supervision. In particular, it was possible to close one important leading case concerning manifest and graves breaches of domestic rules related to the judicial appointment procedure, following, among other things, the appointment of judges in compliance with the domestic legal framework and Convention requirements as well as changes to the applicable appointment guidelines. The authorities submitted three action reports and one communication.

Finally, full payment of the just satisfaction awarded by the Court was registered in four cases in 2022.



## Ireland

In 2022, the Committee of Ministers did not receive from the European Court any case against Ireland for supervision of its execution (compared to three in 2021 and one in 2020).

On 31 December 2022, Ireland had two cases pending execution (compared to five in 2021 and three in 2020), of which one was a leading case classified under enhanced procedure (compared to one in 2021 and one in 2020), and one was a leading case classified under standard procedure. The leading case under enhanced procedure has been pending for five years or more; similarly, the leading case under standard procedure has been pending for five years or more (compared to one in 2021 and one in 2020). The pending caseload includes notably one case concerning lack of effective remedy for excessive length of judicial proceedings (violation of Articles 6 § 1 and 13).

In the course of 2022, the Committee of Ministers examined and adopted decisions in respect of one leading case under enhanced procedure. The Committee closed three cases. The authorities submitted two action plans and one communication.



## Italy

In 2022, the Committee of Ministers received from the European Court 49 cases against Italy for supervision of their execution (compared to 59 in 2021 and 28 in 2020).

On 31 December 2022, Italy had 187 cases pending execution (compared to 170 in 2021 and 184 in 2020), of which 23 were leading cases classified under enhanced procedure (the same as in 2021 and 2020), and 35 were leading cases classified under standard procedure. Of the leading cases under enhanced procedure 13 have been pending for five years or more. Similarly, 15 of the leading cases under standard procedure have been pending for five years or more (compared to 16 in 2021 and 15 in 2020). The pending caseload includes notably cases or groups of cases concerning issues related to the irreducibility of whole-life prison sentences in the absence of cooperation with the judicial authorities, the authorities' lack of reaction to air pollution to the detriment of the surrounding population's health, the ineffective and delayed handling of complaints concerning domestic violence and the respect of parents' visiting rights. Of the new violations found by the Court in 2022, one of them concerned the detention of persons with mental health conditions in ordinary prisons and the lack of sufficient capacity in specialised institutions to host them.

In the course of 2022, the Committee of Ministers examined and adopted decisions in respect of six leading cases or groups of cases under enhanced procedure. The Committee closed 32 cases, including two leading cases under enhanced and two leading cases under standard supervision. In particular, it was possible to close one group of cases in enhanced procedure concerning several shortcomings in the compensatory remedy available since 2001 to victims of excessively long judicial proceedings. One leading case in standard procedure was closed following a judgment of the Italian Constitutional Court which declared unconstitutional the automatic attribution, at birth or upon adoption, of the father's surname. Another leading case, on the *ne bis in idem* principle, was closed on the basis of the incorporation by domestic courts of the relevant case law of the European Court. In addition, 12 repetitive cases were closed because no further individual measures were necessary or possible. The authorities submitted one action plan, 27 action reports and 22 communications. Initial action plans/action reports were awaited in respect of three leading cases/groups despite the expiry of the extended deadline in this respect. Updated action plans/action reports or communications containing additional information were awaited in respect of 18 leading cases/groups, in which either the deadline set by the Committee of Ministers in this respect has expired (five cases/groups) or feedback was sent by the DEJ before 1 January 2022 (13 cases/groups).

Finally, full payment of the just satisfaction awarded by the Court was registered in 23 cases in 2022, while confirmation of full payment and/or default interests was awaited in 31 cases for which the deadline indicated in the Court's judgment has passed since more than six months.



## Latvia

In 2022, the Committee of Ministers received from the European Court four cases against Latvia for supervision of their execution (compared to three in 2021 and eight in 2020).

On 31 December 2022, Latvia had eight cases pending execution (compared to nine in 2021 and eight in 2020), of which six were leading cases classified under standard procedure. The pending caseload includes cases related to the effectiveness of domestic proceedings into the alleged medical negligence, right to a fair trial, and freedom of association. Several judgments on the later issue became final in 2022.

In the course of 2022, the Committee closed five cases, including three leading cases under standard supervision. In particular, it was possible to close one case concerning discriminatory treatment of male convicts, following legislative amendments to the Code for the Enforcement of Sentences, which introduced possibility to grant a compassionate leave. The authorities submitted eight action plans, and action reports. An initial action plan/action report was awaited in respect of one case despite the expiry of the extended deadline in this respect. An updated action plan/action report was awaited in respect of one case, in which feedback was sent by the DEJ before 1 January 2022.

Finally, full payment of the just satisfaction awarded by the Court was registered in two cases in 2022.



## Liechtenstein

On 31 December 2022, Liechtenstein had no cases pending execution (compared to two in 2021 and two in 2020).

In the course of 2022, the Committee of Ministers closed a group of two cases, including one leading case under standard supervision. The authorities submitted one action plan and one action report.



## Lithuania

In 2022, the Committee of Ministers received from the European Court 12 cases against Lithuania for supervision of their execution (compared to seven in 2021 and seven in 2020).

On 31 December 2022, Lithuania had 38 cases pending execution (compared to 32 in 2021 and 34 in 2020), of which two were leading cases classified under enhanced procedure (compared to three in 2021 and four in 2020), and 17 were leading cases classified under standard procedure. Of the leading cases under enhanced procedure, one has been pending for five years or more; similarly, one of the leading cases under standard procedure has been pending for five years or more (compared to one in 2021 and none in 2020). The pending caseload includes notably one case concerning the “extraordinary rendition” operation, one case concerning refusal to investigate homophobic hate speech and one case concerning the failure of border guards to accept applicants’ asylum applications. Of the new violations found by the Court in 2022, one of them concerned unjustified refusal to exempt conscientious objector, a Jehovah’s witness, from compulsory military service and unavailability of an alternative genuine civilian service.

In the course of 2022, the Committee of Ministers examined and adopted decisions in respect of two groups of cases under enhanced procedure; one of these groups was examined by the Committee at least twice during the year. The Committee closed six cases, including one leading case under enhanced supervision and five leading cases under standard supervision. In particular, following amendments introduced to the Lithuanian Constitution, it was possible to close one leading case concerning the permanent and irreversible nature of the applicant’s disqualification from standing for elections to Parliament. The authorities submitted 16 action plans or action reports and three communications.

Finally, full payment of the just satisfaction awarded by the Court was registered in 11 cases in 2022.



## Luxembourg

In 2022, the Committee of Ministers received from the European Court three cases against Luxembourg for supervision of their execution (compared to none in 2021 and 2020).



On 31 December 2022, Luxembourg had one group of three cases pending execution (compared to none in 2021 and 2020), of which one was a leading case classified under standard procedure. The group concerns excessive formalism of the Court of Cassation.

In the course of 2022, the authorities submitted one action plan.

Finally, confirmation of full payment and/or default interests was awaited in two cases for which the deadline indicated in the Court's judgment has passed since more than six months.



## Malta

In 2022, the Committee of Ministers received from the European Court 12 cases against Malta for supervision of their execution (compared to 11 in 2021 and 10 in 2020).

On 31 December 2022, Malta had 46 cases pending execution (compared to 39 in 2021 and 33 in 2020), of which five were leading cases classified under enhanced procedure (compared to five in 2021 and four in 2020), and 10 were leading cases classified under standard procedure. Of the leading cases under enhanced procedure, three have been pending for five years or more; similarly, two of the leading cases under standard procedure have been pending for five years or more (similarly to two in 2021 and two in 2020). The pending caseload includes notably one group of cases concerning excessive length of criminal and constitutional redress proceedings, two groups concerning operation of rent control legislation related to requisitioned properties and indefinite extension of private leases and one case concerning detention in view of deportation. Of the new violations found by the Court in 2022, one of them concerned refusal of the applicants' request for a self-funded *in vitro* fertilisation procedure on the basis of the wife's age, based on a law of insufficient quality.

In the course of 2022, the Committee of Ministers examined and adopted decisions in respect of five groups of cases under enhanced procedure. The Committee closed five cases, out of which four repetitive cases were closed because no further individual measures were necessary or possible. The authorities submitted six action plans or action reports.

Finally, full payment of the just satisfaction awarded by the Court was registered in 18 cases in 2022, while confirmation of full payment and/or default interests was awaited in one case for which the deadline indicated in the Court's judgment has passed since more than six months.



## Republic of Moldova

In 2022, the Committee of Ministers received from the European Court 36 cases against the Republic of Moldova for supervision of their execution (compared to 54 in 2021 and 32 in 2020).

On 31 December 2022, the Republic of Moldova had 153 cases pending execution (compared to 170 in 2021 and 154 in 2020), of which seven were leading cases classified under enhanced procedure (similarly to seven in 2021 and seven in 2020),

and 36 were leading cases classified under standard procedure. Of the leading cases under enhanced procedure, five have been pending for five years or more; similarly, 20 of the leading cases under standard procedure have been pending for five years or more (compared to 25 in 2021 and 32 in 2020). The pending caseload includes notably groups concerning police ill-treatment, domestic violence, lack of adequate medical care in prisons, violations arising from pretrial detention and a case concerning extra-legal transfer of persons to Türkiye.

In the course of 2022, the Committee of Ministers examined and adopted decisions in respect of three leading cases or groups of cases under enhanced procedure; one of these cases was examined by the Committee at least twice during the year. The Committee closed 53 cases, including one leading cases under enhanced and 13 leading cases under standard supervision. In particular, it was possible to close one leading case concerning killing during police operations, following the adoption of the new domestic legislation and regulations on the use of firearms, one group of cases concerning excessive length of civil proceedings and three groups of cases concerning freedom of expression. The authorities submitted 25 action plans or action reports and four communications. Initial action plans/action reports were awaited in respect of three cases despite the expiry of the extended six-month deadline in this respect. Updated action plans/action reports containing additional information were awaited in respect of seven cases, in which feedback was sent by the DEJ before 1 January 2022.

Finally, full payment of the just satisfaction awarded by the Court was registered in 49 cases in 2022.



## **Monaco**

In 2022, the Committee of Ministers did not receive from the European Court any case against Monaco for supervision of its execution (compared to one in 2021 and none in 2020).

On 31 December 2022, Monaco had one case pending execution (compared to none in 2021 and 2020); this case was a leading case classified under standard procedure concerning a friendly settlement regarding the registration of an association.

In the course of 2022, the authorities submitted three (revised) action reports for the above case.

Finally, full payment of the just satisfaction awarded by the Court was registered in one case in 2022.



## **Montenegro**

In 2022, the Committee of Ministers received from the European Court six cases against Montenegro for supervision of their execution (compared to four in 2021 and 11 in 2020).

On 31 December 2022, Montenegro had nine cases pending execution (compared to seven in 2021 and 2020), of which five were leading cases classified under standard

procedure. One of the leading cases under standard procedure has been pending for five years or more (compared to one in 2021 and no cases in 2020). The pending caseload includes notably one group concerning ineffective investigation into police ill-treatment and one case concerning excessive length of proceedings before the Constitutional Court. Of the new violations found by the Court in 2022, notably one of them concerned defective implementation of the legislation in response to complaints about bullying at work.

In the course of 2022, the Committee of Ministers closed four cases, including one leading case under standard supervision. The authorities submitted nine action plans, action reports and one communication.

Finally, full payment of the just satisfaction awarded by the Court was registered in five cases in 2022.



## **Netherlands**

In 2022, the Committee of Ministers received from the European Court four cases against the Netherlands for supervision of their execution (compared to seven in 2021 and none in 2020).

On 31 December 2022, the Netherlands had four cases pending execution (compared to 10 in 2021 and five in 2020), of which one was a leading case classified under enhanced procedure (compared to one in 2021 and 2020, respectively), and three were leading cases classified under standard procedure. Of the leading cases under enhanced procedure, none has been pending for five years or more; one of the leading cases under standard procedure had been pending for five years or more (compared to two in 2021 and none in 2020). The pending caseload includes notably one case concerning poor conditions of detention and one case concerning the *de facto* irreducibility of a life sentence.

In the course of 2022, the Committee of Ministers examined and adopted decisions in respect of one leading case under enhanced procedure. The Committee closed 10 cases, including five leading cases under standard supervision; two repetitive cases were closed because no further individual measures were necessary or possible. The authorities submitted three action plans and nine action reports.

Finally, full payment of the just satisfaction awarded by the Court was registered in four cases in 2022.



## **North Macedonia**

In 2022, the Committee of Ministers received from the European Court 10 cases against North Macedonia for supervision of their execution (compared to 20 in 2021 and 16 in 2020).

On 31 December 2022, North Macedonia had 29 cases pending execution (compared to 47 in 2021 and 40 in 2020), of which three were leading cases classified under enhanced procedure (compared to three in 2021 and two in 2020), and eight were leading cases classified under standard procedure. Of the leading cases under

enhanced procedure, one has been pending for five years or more; similarly, two of the leading cases under standard procedure have been pending for five years or more (compared to three in 2021 and five in 2020). The pending caseload includes notably one group of cases concerning police ill-treatment and ineffective investigations in this respect and one case concerns legal gender recognition.

In the course of 2022, the Committee of Ministers examined and adopted decisions in respect of one leading case under enhanced procedure. The Committee closed 28 cases including six leading cases under standard supervision. In particular, it was possible to close one group of cases, concerning non-adversarial judicial proceedings following changes in the domestic case-law and one case concerning freedom of expression following legislative amendments. The authorities submitted 12 action plans and action reports. Updated action plans/action reports containing additional information were awaited in respect of five groups/ cases, in which feedback was sent by the DEJ before 1 January 2022.

Finally, full payment of the just satisfaction awarded by the Court was registered in 10 cases in 2022, while confirmation of full payment and/or default interests was awaited in one case for which the deadline indicated in the Court's judgment has passed since more than six months.



## Norway

In 2022, the Committee of Ministers received from the European Court one case against Norway for supervision of its execution (compared to eight in 2021 and four in 2020).

On 31 December 2022, Norway had four cases pending execution (compared to 12 in 2021 and six in 2020), of which one was a leading case classified under enhanced procedure (compared to one in 2021 and one in 2020), and none were leading cases classified under standard procedure. The pending caseload includes notably one group of cases concerning breaches of biological parents' rights to family life due to decisions taken in the public child welfare system related to removal of their parental authority, adoption, foster care and/or contact rights in connection with their children (violations of Article 8).

In the course of 2022, the Committee of Ministers examined and adopted decisions in respect of one group of cases under enhanced procedure. The Committee closed nine cases, including one leading case under standard supervision. In particular, it was possible to close one leading case, concerning the unlawful interference with the applicant's right to respect for correspondence further to a change in a legal Directive and the domestic caselaw. In addition, eight repetitive cases were closed because no further individual measures were necessary or possible. The authorities submitted two action plans, action reports and four communications.

Finally, full payment of the just satisfaction awarded by the Court was registered in seven cases in 2022.



In 2022, the Committee of Ministers received from the European Court 54 cases against Poland for supervision of their execution (compared to 42 in 2021 and 22 in 2020).

On 31 December 2022, Poland had 125 cases pending execution (compared to 97 in 2021 and 89 in 2020), of which 14 were leading cases classified under enhanced procedure (compared to 11 in 2021 and 10 in 2020), and 31 were leading cases classified under standard procedure. Of the leading cases under enhanced procedure, eight have been pending for five years or more; similarly, 11 of the leading cases under standard procedure have been pending for five years or more (compared to 10 in 2021 and seven in 2020). The pending caseload includes cases concerning excessive length of proceedings, access to lawful abortion, secret rendition program, collective expulsion of aliens, excessive use of force by the police and reforms undermining judicial independence. Several important judgments of the Court on the later issue became final in 2022.

In the course of 2022, the Committee of Ministers examined and adopted decisions in respect of seven leading cases or groups of cases under enhanced procedure; two of these cases/groups were examined by the Committee at least twice during the year. The Committee closed 26 cases, including one leading case under enhanced and two leading cases under standard supervision. The leading case in the enhanced procedure was closed following legislative changes that made it compulsory for courts to adopt a separate decision each time detention of a juvenile in a shelter for juveniles is extended. The authorities submitted 17 action plans, action reports and nine communications. *Initial* action plans/action reports were awaited in respect of six cases despite the expiry of the extended deadline in this respect. Updated action plans/action reports and communications containing additional information were awaited in respect of eight groups/cases, in which either the deadline set by the Committee of Ministers in this respect has expired (one group of cases) or feedback was sent by the DEJ before 1 January 2022 (seven cases/groups of cases).

Finally, full payment of the just satisfaction awarded by the Court was registered in 45 cases in 2022, while confirmation of full payment and/or default interests was awaited in six cases for which the deadline indicated in the Court's judgment has passed since more than six months.



In 2022, the Committee of Ministers received from the European Court 16 cases against Portugal for supervision of their execution (compared to 11 in 2021 and nine in 2020).

On 31 December 2022, Portugal had 39 cases pending execution (compared to 28 in 2021 and 34 in 2020), of which three were leading cases classified under enhanced procedure (compared to three in 2021 and three in 2020), and 12 were leading cases classified under standard procedure. Of the leading cases under enhanced procedure, one has been pending for five years or more; similarly, five of the leading cases under standard procedure have been pending for five years or more (compared to

four in 2021 and three in 2020). The pending caseload includes notably one group of cases concerning the excessive length of civil and administrative proceedings and another group concerning overcrowding and material conditions in prisons and the lack of effective remedies.

In the course of 2022, the Committee of Ministers closed five cases, including two leading cases under standard supervision. The authorities submitted two action plans, 10 action reports and two communications.

Finally, full payment of the just satisfaction awarded by the Court was registered in nine cases in 2022, while confirmation of full payment and/or default interests was awaited in six cases for which the deadline indicated in the Court's judgment has passed since more than six months.



## **Romania**

In 2022, the Committee of Ministers received from the European Court 137 cases against Romania for supervision of their execution (compared to 104 in 2021 and 78 in 2020).

On 31 December 2022, Romania had 509 cases pending execution (compared to 409 in 2021 and 347 in 2020), of which 35 were leading cases classified under enhanced procedure (compared to 33 in 2021 and 29 in 2020), and 75 were leading cases classified under standard procedure.

Of the leading cases under enhanced procedure, 19 have been pending for five years or more; similarly, 25 of the leading cases under standard procedure have been pending for five years or more (compared to 20 in 2021 and 12 in 2020).

The pending caseload includes cases or groups of cases concerning overcrowding, material conditions and healthcare in prisons and pre-trial detention facilities, dysfunctions in the mechanisms set up to afford reparation for properties nationalized during the communist regime and the non-execution or delayed execution of domestic court decisions by State or by State-controlled entities, as well as cases or groups of cases concerning issues related to involuntary placements of people with mental health conditions or disabilities in psychiatric hospitals or residential social care facilities, and to overcrowding and inadequate material conditions and care in psychiatric hospitals; the criminal law response to sexual offences, including when victims are children, and to domestic violence;; unjustified use of firearms or ill-treatment by law enforcement agents and ineffective criminal investigations and proceedings, including into possible discriminatory motives and a case dealing with the absence of a clear and predictable legal framework on gender recognition.

Of the new violations found by the Court in 2022, one of them concerned the failure to conduct an effective criminal investigation into allegations of sexual harassment at the workplace.

In the course of 2022, the Committee of Ministers examined and adopted decisions in respect of 11 leading cases or groups of cases under enhanced procedure; two of these cases/groups were examined by the Committee at least twice during the year.

The Committee closed 37 cases, including two leading cases under enhanced and six leading cases under standard supervision.

In particular, it was possible to close one leading case in the enhanced procedure following the adoption of legislation giving automatic suspensive effect to appeals against expulsion after criminal convictions and another such case, following the adoption of practical measures and developments in the domestic case-law reinforcing the safeguards in expulsion proceedings based on national security grounds. In addition, five repetitive cases were closed because no further individual measures were necessary or possible.

The authorities submitted four action plans, 19 action reports and 28 communications. Initial action plans/action reports were awaited in respect of 29 leading cases/groups despite the expiry of the extended deadline in this respect. Updated action plans/action reports or communications containing additional information were awaited in respect of 41 leading cases/groups, in which either the deadline set by the Committee of Ministers in this respect has expired (eight cases/groups) or feedback was sent by the DEJ before 1 January 2022 (33 cases/groups).

Finally, full payment of the just satisfaction awarded by the Court was registered in 66 cases in 2022, while confirmation of full payment and/or default interests was awaited in 154 cases for which the deadline indicated in the Court's judgment has passed since more than six months.



## **San Marino**

In 2022, the Committee of Ministers did not receive from the European Court any case against San Marino for supervision of its execution (compared to three in 2021 and two in 2020).

On 31 December 2022, San Marino had two cases pending execution (compared to three in 2021 and one in 2020), of which two were leading cases classified under standard procedure.

In 2022, the Committee closed one case under standard supervision.

Full payment of the just satisfaction awarded by the Court was registered in one case in 2022, while confirmation of full payment and/or default interests was awaited in one case for which the deadline indicated in the Court's judgment has passed since more than six months.



## **Serbia**

In 2022, the Committee of Ministers received from the European Court 78 cases against Serbia for supervision of their execution (compared to 69 in 2021 and 16 in 2020).

On 31 December 2022, Serbia had 97 cases pending execution (compared to 76 in 2021 and 33 in 2020), of which five were leading cases classified under enhanced procedure (compared to five in 2021 and 2020), and seven were leading cases

classified under standard procedure. All the leading cases under enhanced procedure have been pending for five years or more; similarly, one of the leading cases under standard procedure has been pending for five years or more (compared to two in 2021 and 2020). The pending caseload includes notably one group concerning excessive length of judicial proceedings, one group concerning delayed enforcement of domestic decisions and one group concerning ineffective investigation into police ill treatment. Of the new violations found by the Court in 2022, most of them concerned delayed enforcement of domestic decisions.

In the course of 2022, the Committee of Ministers examined and adopted decisions in respect of three groups of cases under enhanced procedure. The Committee closed 57 cases, including one leading case under enhanced and two leading cases under standard supervision. In addition, four repetitive cases were closed because no further individual measures were necessary or possible. The authorities submitted 20 action plans, action reports and one communication. Updated action plans/ action reports or communications containing additional information were awaited in respect of three groups/cases, in which either the deadline set by the Committee of Ministers in this respect has expired (one group) or feedback was sent by the DEJ before 1 January 2022 (two cases).

Finally, full payment of the just satisfaction awarded by the Court was registered in 70 cases in 2022, while confirmation of full payment and/or default interests was awaited in seven cases for which the deadline indicated in the Court's judgment has passed since more than six months.



## **Slovak Republic**

In 2022, the Committee of Ministers received from the European Court 32 cases against the Slovak Republic for supervision of their execution (compared to 39 in 2021 and 19 in 2020).

On 31 December 2022, Slovak Republic had 59 cases pending execution (compared to 63 in 2021 and 31 in 2020), of which three were leading cases classified under enhanced procedure (compared to one in 2021 and 0 in 2020), and 20 were leading cases classified under standard procedure. Of the leading cases under enhanced procedure, zero have been pending for five years or more; similarly, four of the leading cases under standard procedure have been pending for five years or more (compared to five in 2021 and four in 2020). The pending caseload includes notably one group concerning police ill treatment and failure to investigate such ill-treatment and possible racist motives, one group concerning secret surveillance and two groups concerning length of judicial proceedings. Of the new violations found by the Court in 2022, one of them concerned issues with imposition of high security regime in prison.

In the course of 2022, the Committee of Ministers examined and adopted decisions in respect of one leading group of cases under enhanced procedure. The Committee closed 36 cases, including three leading cases under standard supervision. In particular, it was possible to close one case concerning international child abduction and one case concerning lack of impartiality of a judge of the Constitutional Court.



In addition, 33 repetitive cases were closed because no further individual measures were necessary or possible. The authorities submitted action plans, action reports and communications in 21 cases. Updated action plans/action reports or communications containing additional information were awaited in respect of six groups/cases, in which feedback was sent by the DEJ before 1 January 2022.

Finally, full payment of the just satisfaction awarded by the Court was registered in 39 cases in 2022, while confirmation of full payment and/or default interests was awaited in one case for which the deadline indicated in the Court's judgment has passed since more than six months.



## **Slovenia**

In 2022, the Committee of Ministers received from the European Court five cases against Slovenia for supervision of their execution (compared to one in 2021 and one in 2020).

On 31 December 2022, Slovenia had six cases pending execution (compared to four in 2021 and seven in 2020), of which one was leading case classified under enhanced procedure (compared to no cases in 2021 and 2020), and two were leading cases classified under standard procedure. The pending caseload includes notably one case concerning the lack of an effective remedy to challenge or seek compensation for the national bank's extraordinary measures cancelling shares and bonds. Of the new violations found by the Court in 2022, notably one of them concerned excessive length of proceedings concerning foster care.

In the course of 2022, the Committee of Ministers closed three leading cases under standard supervision. In particular, it was possible to close one leading case concerning disabled persons' voting, following legislative amendments. The authorities submitted five action plans and action reports. An updated action plan/action report or a communication containing additional information was awaited in respect of one case, in which feedback was sent by the DEJ before 1 January 2022.

Finally, full payment of the just satisfaction awarded by the Court was registered in four cases in 2022.



## **Spain**

In 2022, the Committee of Ministers received from the European Court eight cases against Spain for supervision of their execution (compared to nine in 2021 and seven in 2020).

On 31 December 2022, Spain had 30 cases pending execution (compared to 37 in 2021 and 30 in 2020), of which one was a leading case classified under enhanced procedure (compared to two in 2021 and 2020) and 19 were leading cases classified under standard procedure. The leading case under enhanced procedure has been pending for five years or more; similarly, two of the leading cases under standard procedure have been pending for five years or more (compared to three in 2021 and two in 2020). The pending caseload includes notably cases or groups of cases

concerning issues related to the lack of an effective remedy with suspensive effect against decisions to remove migrants to their country of origin taken in the framework of an accelerated asylum procedure and to the freedom of expression.

In the course of 2022, the Committee of Ministers examined one leading case under enhanced procedure and adopted a final resolution closing its supervision. The Committee closed further 14 cases, including eight leading cases under standard supervision. In particular, it was possible to close one leading case in enhanced procedure concerning the right of appeal in criminal matters following a legislative reform in 2015 of the admissibility criteria for cassation appeals and general guidance given by the Supreme Court in November 2021 on the Convention-compliant application of the new provisions. One leading case in standard procedure was closed following developments in 2020 in the Supreme Court's case-law which put an end to the automatism between a criminal conviction of more than one year and an expulsion order with interdiction to re-enter the country for long-term residents.

The authorities submitted nine action plans, 19 action reports and one communication.

Finally, full payment of the just satisfaction awarded by the Court was registered in eleven cases in 2022, while confirmation of full payment and/or default interests was awaited in one case for which the deadline indicated in the Court's judgment has passed since more than six months.



## Sweden

In 2022, the Committee of Ministers did not receive from the European Court any case against Sweden for supervision of its execution (compared to one in 2021 and none in 2020).

On 31 December 2022, Sweden had two cases pending execution (the same as in 2021 compared to three in 2020), which are both leading cases classified under enhanced procedure (the same as in 2021 compared to one 2020). One of these cases has been pending for five years or more. These cases concern access to court for alleged defamation through a foreign TV broadcast and shortcomings of the Swedish bulk interception regime.

In the course of 2022, the authorities submitted four action plans and one action report.



## Switzerland

In 2022, the Committee of Ministers received from the European Court 13 cases against Switzerland for supervision of their execution (compared to six in 2021 and four in 2020).

On 31 December 2022, Switzerland had 11 cases pending execution (compared to 9 in 2021 and 8 in 2020), of which six were leading cases classified under standard procedure. The pending caseload includes notably one cases concerning imposition of a fine for begging followed by imprisonment for non-payment and one case concerning insufficient assessment of the risks incurred by a Christian convert

in case of return to Pakistan. Of the new violations found by the Court in 2022, one of them concerned discrimination based on sex on account of the termination of a widower's pension when his younger child reached the age of majority.

In the course of 2022, the Committee of Ministers examined and adopted a decision in respect of one leading case under enhanced procedure. The Committee closed 11 cases, including one leading case under enhanced and three leading cases under standard supervision. In particular, it was possible to close one leading case concerning the lack of adequate judicial scrutiny of freezing and confiscation procedures initiated in Switzerland pursuant to UN Security Council Resolutions. The authorities submitted nine action plans, action reports and one communication.

Finally, full payment of the just satisfaction awarded by the Court was registered in eight cases in 2022.



## Türkiye

In 2022, the Committee of Ministers received from the European Court 77 cases against Türkiye for supervision of their execution (compared to 106 in 2021 and 103 in 2020).

On 31 December 2022, Türkiye had 480 cases pending execution (compared to 510 in 2021 and 624 in 2020), of which 36 were leading cases classified under enhanced procedure (compared to 37 in 2021 and 37 in 2020), and 89 were leading cases classified under standard procedure. Of the leading cases under enhanced procedure, 25 have been pending for five years or more; similarly, 53 of the leading cases under standard procedure have been pending for five years or more (compared to 65 in 2021 and 64 in 2020). The pending caseload includes notably groups of cases concerning the rights to freedom of expression and freedom of assembly, judicial independence, detention without sufficient reasoning, ineffective investigations and impunity, and domestic violence. Of the new violations found by the Court in 2022, one concerned infringement proceedings in a case where the Court found that Türkiye had failed to fulfil its obligation to abide by a final judgment under Article 46 § 1.

In the course of 2022, the Committee of Ministers examined and adopted decisions in respect of 18 leading cases or groups of cases under enhanced procedure; three of these cases/groups were examined by the Committee at least twice during the year, of which one was also examined at all the Committee's ordinary meetings. The Committee closed 107 cases, including three leading cases under enhanced and 23 leading cases under standard supervision concerning issues such as the right to property rights, to a fair trial, or right to respect for private life. 13 of the leading cases closed had been pending before the Committee for more than 10 years. In addition, 15 repetitive cases were closed because no further individual measures were necessary or possible. The authorities submitted 21 action plans, 78 action reports and 18 communications. Updated action plans/action reports or communications containing additional information were awaited in respect of 40 groups/cases, in which feedback was sent by the DEJ before 1 January 2022.

Finally, full payment of the just satisfaction awarded by the Court was registered in 65 cases in 2022, while confirmation of full payment and/or default interests was awaited in 59 cases for which the deadline indicated in the Court's judgment has passed since more than six months.



## **Ukraine**

In 2022, the Committee of Ministers received from the European Court 145 cases against Ukraine for supervision of their execution (compared to 196 in 2021 and 84 in 2020).

On 31 December 2022, Ukraine had 716 cases pending execution (compared to 638 in 2021 and 567 in 2020), of which 51 were leading cases classified under enhanced procedure (compared to 53 in 2021 and 51 in 2020), and 48 were leading cases classified under standard procedure. Of the leading cases under enhanced procedure, 42 have been pending for five years or more; similarly, 24 of the leading cases under standard procedure have been pending for five years or more (compared to 28 in 2021 and 37 in 2020). The pending caseload includes notably cases related to judicial reform (appointment of judges, non-enforcement of domestic court's decisions, lengthy proceedings), lack of effective investigations, and poor conditions of detention. The new violations found by the Court in 2022 concerned notably the domestic courts' failure to address the applicant's allegations of police incitement, and various elections issues.

In the course of 2022, the Committee of Ministers examined and adopted decisions in respect of two groups of cases under enhanced procedure. The Committee closed 67 cases, including one leading case under enhanced and 15 leading cases under standard supervision. In particular, it was possible to close a group concerning use of confiscation as a sanction for the evasion of payment of customs duties following legislative changes. In addition, 51 repetitive cases were closed because no further individual measures were necessary or possible. The authorities submitted 63 action plans/action reports and 17 communications. Initial action plans/action reports were awaited in respect of 10 cases despite the expiry of the extended deadline in this respect. Updated action plans/action reports or communications containing additional information were awaited in respect of 15 groups/cases, in which either the deadline set by the Committee of Ministers in this respect has expired (two cases) or feedback was sent by the DEJ before 1 January 2022 (13 cases).

Finally, full payment of the just satisfaction awarded by the Court was registered in 74 cases in 2022, while confirmation of full payment and/or default interests was awaited in 274 cases for which the deadline indicated in the Court's judgment has passed since more than six months.



## **United Kingdom**

In 2022, the Committee of Ministers received from the European Court 11 cases against the United Kingdom for supervision of their execution (compared to 10 in 2021 and four in 2020).

On 31 December 2022, the United Kingdom had 14 cases pending execution (compared to 16 in 2021 and 15 in 2020), of which five were leading cases classified in the enhanced procedure (compared to four and three in 2021 and 2020), and five were leading cases classified in the standard procedure. Of the leading cases under enhanced procedure, three have been pending for five years or more, but that was not the case for any of the leading cases in the standard procedure (compared to one in both 2021 and 2020). The pending caseload includes notably cases concerning ineffective investigations into the deaths of the applicants' next-of-kin in Northern Ireland in the 1980s and 1990s; the unjustified indefinite retention of personal data (DNA profiles, fingerprints and photographs) following arrests and/or convictions; and the failure to take adequate operational measures to protect potential victims of child trafficking from prosecution.

In the course of 2022, the Committee of Ministers examined and adopted decisions in respect of two groups of cases in the enhanced procedure; one of these groups was examined by the Committee at every human rights meeting. The Committee closed 13 cases, including four leading cases under standard supervision. In particular, it was possible to close one leading case concerning the unjustified and disproportionate discriminatory effect of certain housing benefit regulations on a recognised victim of domestic violence further to a change in legislation. The authorities submitted 15 action plans/action reports and nine communications.

Finally, full payment of the just satisfaction awarded by the Court was registered in 13 cases in 2022.

## Non-member State



### **Russian Federation**

In 2022, the Committee of Ministers received from the European Court 413 cases against the Russian Federation for supervision of their execution (compared to 267 in 2021 and 218 in 2020).

On 31 December 2022, the Russian Federation had 2,352 cases pending execution (compared to 1,942 in 2021 and 1,789 in 2020), 62 of which were leading cases classified under enhanced procedure (compared to 56 in 2021 and 58 in 2020), and 164 were leading cases classified under standard procedure. Of the leading cases under enhanced procedure, 40 have been pending for five years or more; similarly, of the leading cases under standard procedure 119 have been pending for five years or more (compared to 105 in 2021 and 107 in 2020). The pending caseload includes notably two inter-state cases concerning the conflict in Georgia; two groups of cases concerning various violations of the Convention in the Transnistrian region of the Republic of Moldova; one group concerning the conviction of applicants of acts indistinguishable from regular commercial activities by arbitrary, unforeseeable and manifestly unreasonable judicial decisions in violation of Articles 6 and 7; and other groups concerning the right to freedom of assembly; violations relating to the actions of Russian security forces during anti-terrorist operations in the Northern Caucasus; ill-treatment; and domestic violence. Of the new violations found by the Court in

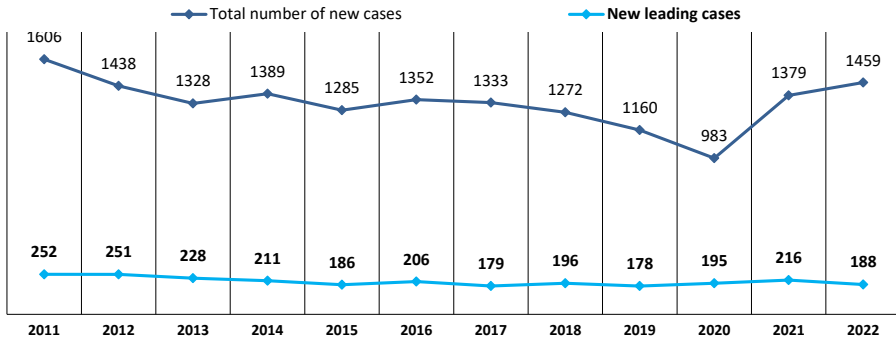
2022, most of them concerned ill-treatment, and right to liberty and security, and some of them concerned right to life, unfairness of criminal proceedings, freedom of religion, freedom of expression and freedom of assembly.

In the course of 2022, the Committee of Ministers examined and adopted decisions in respect of 25 leading cases or groups of cases under enhanced procedure; five of these groups were examined by the Committee at least twice during the year; two of which were examined in all four Human Rights meetings. The Committee further closed three cases. The authorities submitted one action plan, three action reports and 12 communications in 2022, before 16 March 2022 when the Russian Federation ceased to be a member of the Council of Europe.

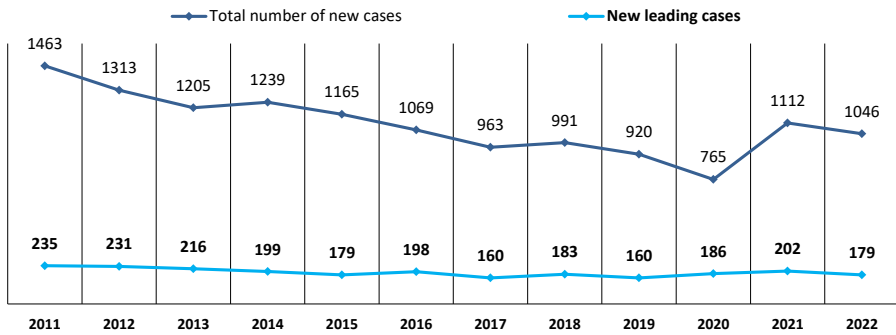
Finally, full payment of the just satisfaction awarded by the Court was registered in four cases in 2022, while confirmation of full payment and/or default interests was awaited in 791 cases for which the deadline indicated in the Court's judgment has passed since more than six months.

## A.2. New cases

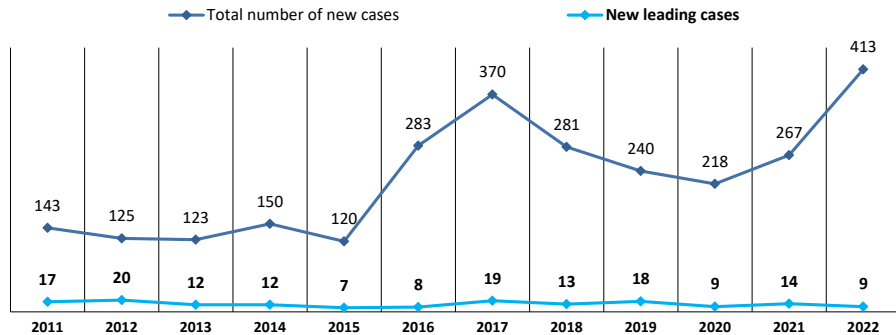
### Total number of new cases (including the Russian Federation)



### Number of new cases for the 46 member states (without the Russian Federation)

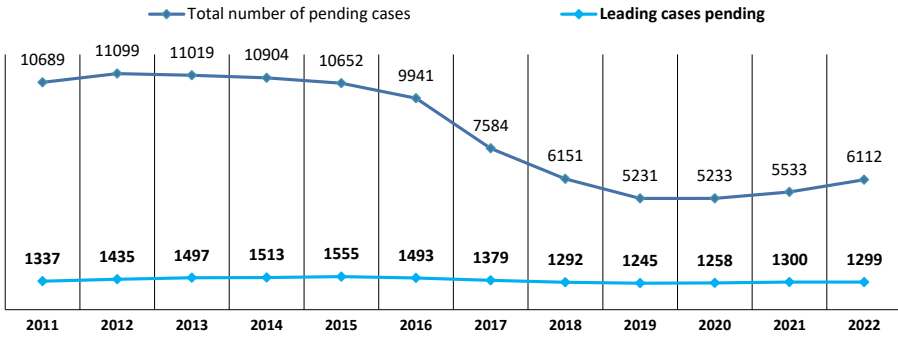


### New cases concerning the Russian Federation

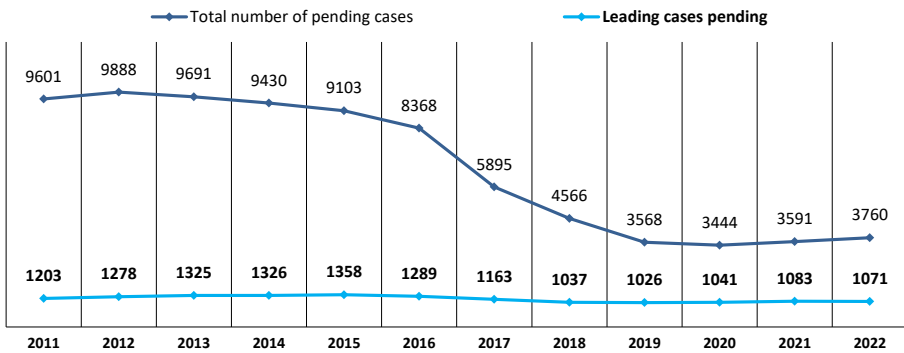


### A.3. Pending cases

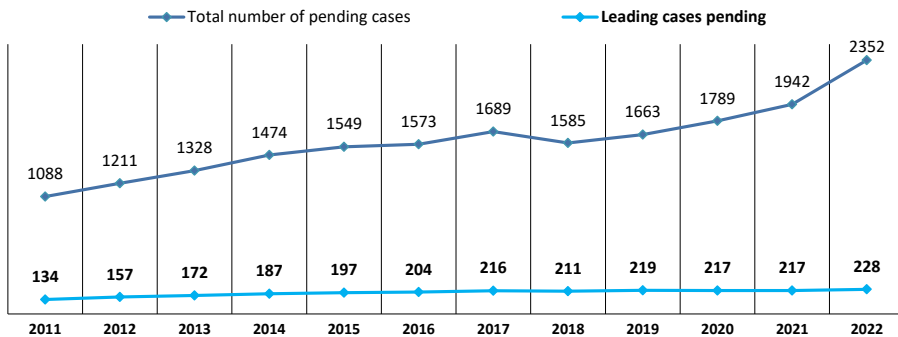
#### Pending cases (including the Russian Federation)



#### Pending cases for the 46 member states (without the Russian Federation)



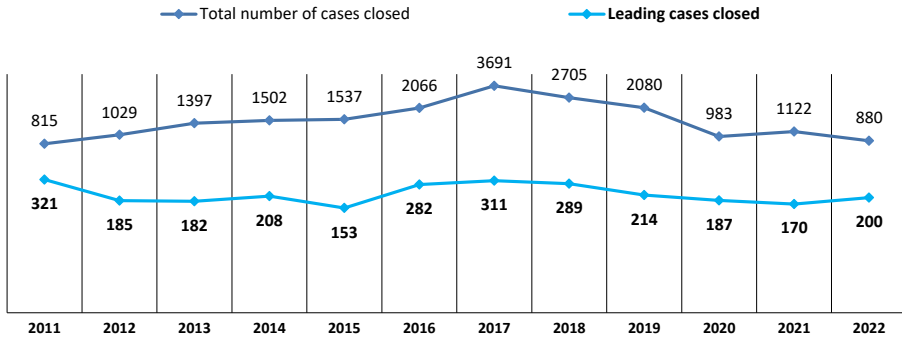
#### Pending cases concerning the Russian Federation



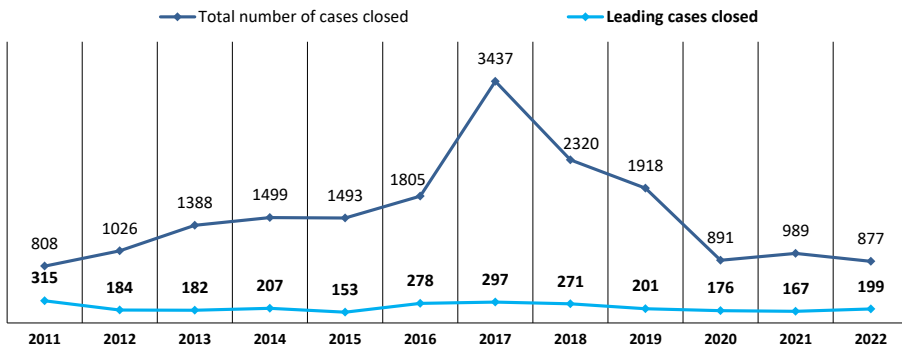


## A.4. Closed cases

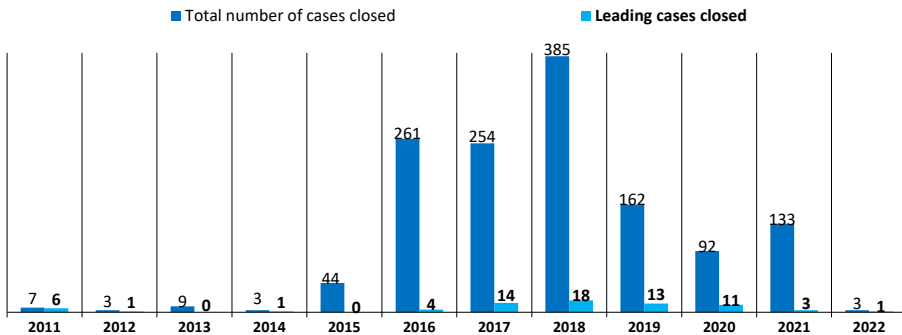
### Closed cases (including the Russian Federation)



### Closed cases for the 46 member states (without the Russian Federation)



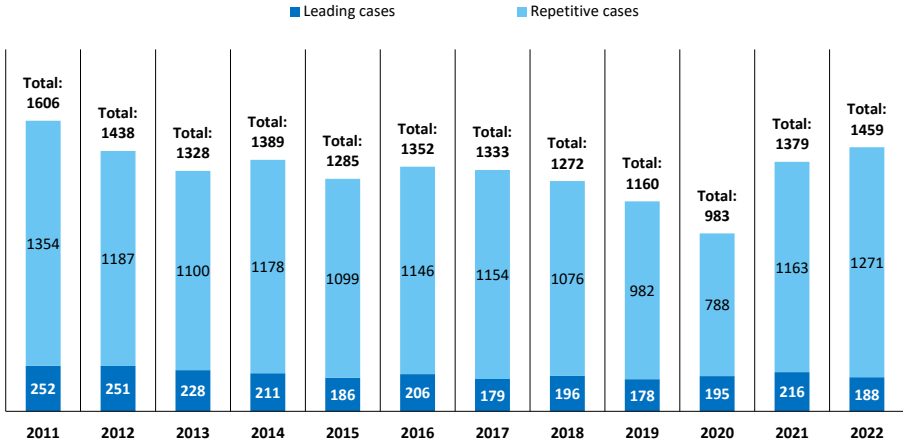
### Closed cases concerning the Russian Federation



## B. New cases

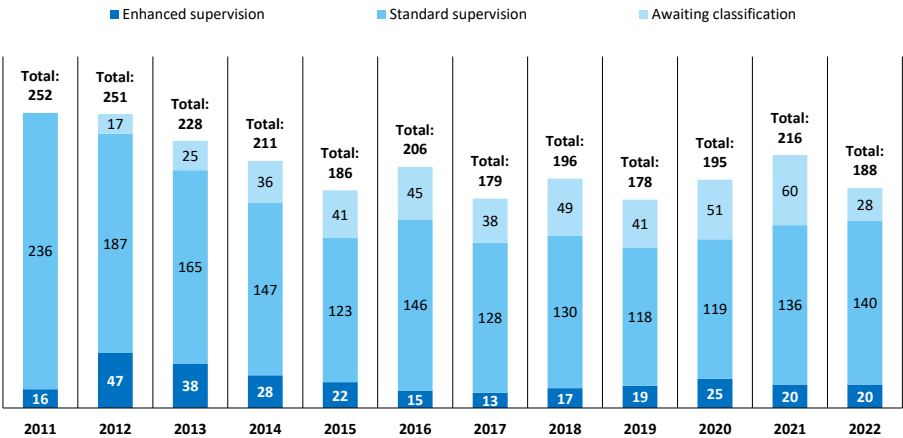
### B.1. Leading or repetitive cases

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

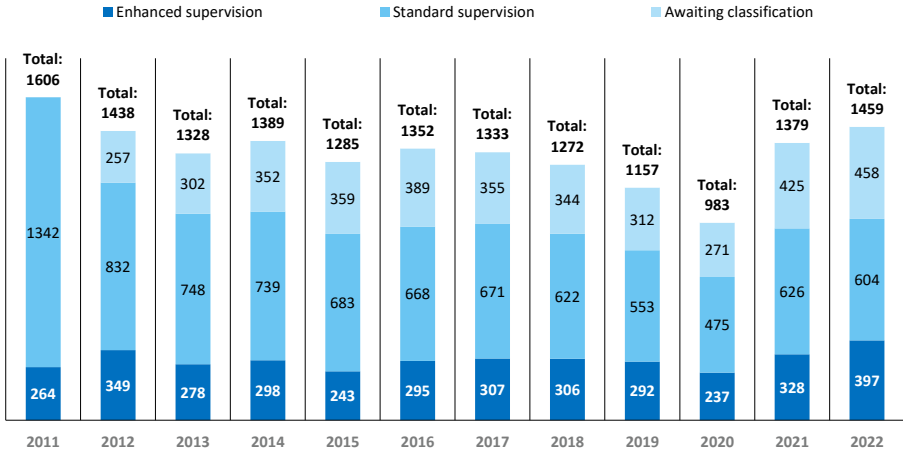


### B.2. Enhanced or standard supervision

#### *New leading cases*



## Total number of new cases



### B.3. New cases – State by State

STATE	LEADING CASES								REPETITIVE CASES								TOTAL	
	Enhanced supervision		Standard supervision		Awaiting classification		Total of leading cases		Enhanced supervision		Standard supervision		Awaiting classification		Total of repetitive cases			
	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022
Albania		1	1	1			1	2		2		4	4		4	6	5	8
Andorra							0	0							0	0	0	0
Armenia		1	5	5	4		9	6	7	7	4	5	2	1	13	13	22	19
Austria			2	1	2		4	1			3	1			3	1	7	2
Azerbaijan		1	2	6	1		3	7	11	9	18	22	14	11	43	42	46	49
Belgium			3	4	2	1	5	5	2		4	11	3	3	9	14	14	19
Bosnia and Herzegovina			2	1		2	2	3	4		9	16	3	4	16	20	18	23
Bulgaria	1	6	12	5	4		17	11	8	4	9	16	13	6	30	26	47	37
Croatia		1	14	10	1	2	15	13	1	2	21	20	9	3	31	25	46	38
Cyprus				1	2	1	2	2			1	1	1		2	1	4	3
Czech Republic				2			0	2			3	3	1	1	4	4	4	6
Denmark			1		1		2	0				1	1		1	1	3	1
Estonia			1	3			1	3			2	1			2	1	3	4
Finland							0	0							0	0	0	0
France		1	5	9	2	2	7	12			6	4	1	5	7	9	14	21
Georgia			2	2	3		5	2	3	6	4	1		1	7	8	12	10

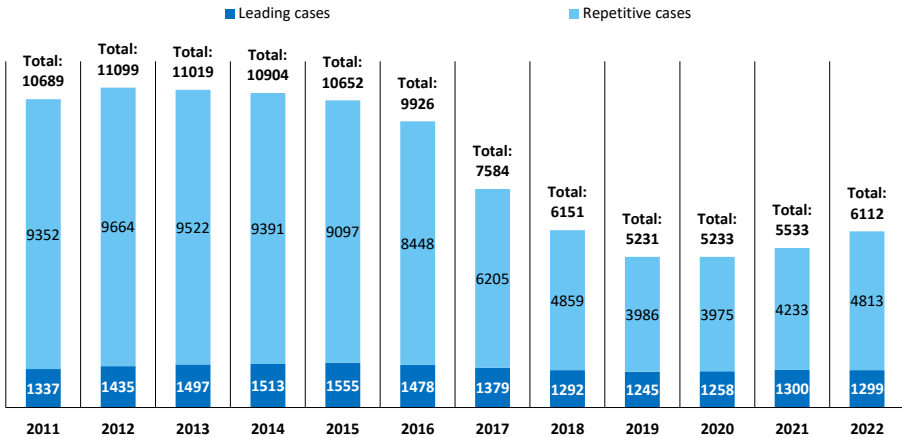
STATE	LEADING CASES								REPETITIVE CASES								TOTAL	
	Enhanced supervision		Standard supervision		Awaiting classification		Total of leading cases		Enhanced supervision		Standard supervision		Awaiting classification		Total of repetitive cases			
	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022
Germany			3				3	0			2	2			2	2	5	2
Greece			4	4		1	4	5	4	2	13	7	8	11	25	20	29	25
Hungary	1		2	1			3	1	8	17	26	29	15	16	49	62	52	63
Iceland				1			0	1			6	2	1		7	2	7	3
Ireland							0	0			3				3	0	3	0
Italy	3	1	2	2	4	1	9	4	2	8	33	20	15	17	50	45	59	49
Latvia				2	1	2	1	4			2				2	0	3	4
Liechtenstein							0	0							0	0	0	0
Lithuania			3	6			3	6			3	4	1	2	4	6	7	12
Luxembourg				1			0	1				2			0	2	0	3
Malta	1		1	2			2	2	3	8	1	2	5		9	10	11	12
Republic of Moldova		1	9	5	4	2	13	8	3	7	20	18	18	3	41	28	54	36
Monaco					1		1	0							0	0	1	0
Montenegro			2	1			2	1			1	3	1	2	2	5	4	6
Netherlands			2	1	1		3	1			4	3	0		4	3	7	4
North Macedonia			4	2			4	2	2		12	6	2	2	16	8	20	10
Norway			1				1	0	4	1			3		7	1	8	1
Poland	1	1	4	8	3	1	8	10	2	3	26	20	6	21	34	44	42	54

STATE	LEADING CASES								REPETITIVE CASES								TOTAL	
	Enhanced supervision		Standard supervision		Awaiting classification		Total of leading cases		Enhanced supervision		Standard supervision		Awaiting classification		Total of repetitive cases			
	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022
Portugal					1		1	0	2	2	5	10	3	4	10	16	11	16
Romania	3	2	9	10	8	3	20	15	21	31	13	55	50	36	84	122	104	137
San Marino			1				1	0			1		1		2	0	3	0
Serbia			1	3		1	1	4	9	30	19	2	40	42	68	74	69	78
Slovak Republic		1	4	4	3	1	7	6	1		18	18	13	8	32	26	39	32
Slovenia				2	1	1	1	3				1		1	0	2	1	5
Spain			5	6	1	1	6	7			3	1			3	1	9	8
Sweden	1						1	0							0	0	1	0
Switzerland			5	2		2	5	4			1	8		1	1	9	6	13
Türkiye	2		3	10	4	1	9	11	20	20	54	33	23	13	97	66	106	77
Ukraine	2		10	10	2		14	10	119	85	26	17	37	33	182	135	196	145
United Kingdom	1		3	3	2	1	6	4			4	7			4	7	10	11
<b>NON-MEMBER STATE</b>																		
Russian Federation	4	3	8	4	2	2	14	9	72	133	110	88	71	183	253	404	267	413
<b>TOTAL</b>	<b>20</b>	<b>20</b>	<b>135</b>	<b>140</b>	<b>60</b>	<b>28</b>	<b>216</b>	<b>188</b>	<b>308</b>	<b>377</b>	<b>490</b>	<b>464</b>	<b>365</b>	<b>430</b>	<b>1163</b>	<b>1271</b>	<b>1379</b>	<b>1459</b>

## C. Pending cases

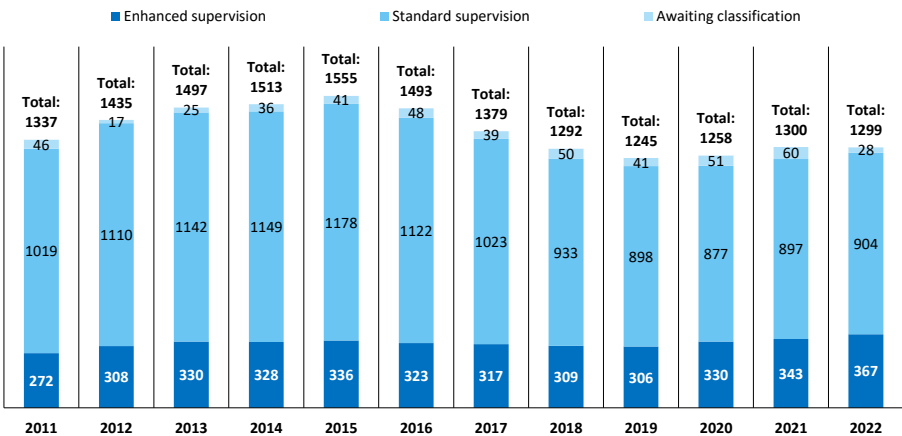
**Pending cases** are those in which the execution process is on-going. As a consequence, pending cases are at various stages of execution and must not be understood as unexecuted cases. In the overwhelming majority of these cases, individual redress has been provided, and cases remain pending mainly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

### C.1. Leading or repetitive cases

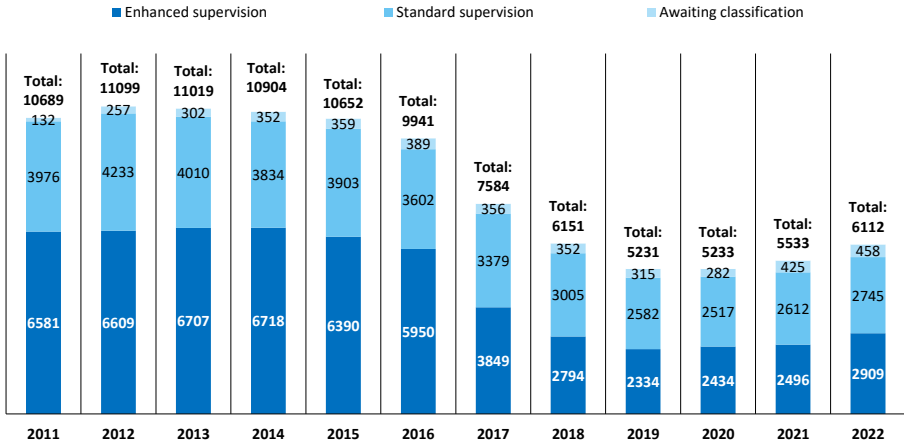


### C.2. Enhanced or standard supervision

#### Leading cases pending



## Total number of pending cases





### C.3. Pending cases – State by State

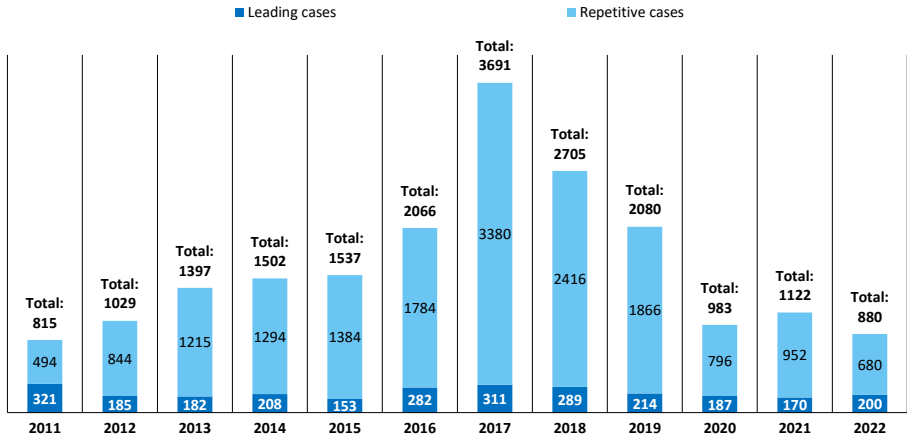
STATE	LEADING CASES								REPETITIVE CASES								TOTAL	
	Enhanced supervision		Standard supervision		Awaiting classification		Total of leading cases		Enhanced supervision		Standard supervision		Awaiting classification		Total of repetitive cases			
	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022
Albania	2	4	12	12			14	16	1	3	12	17	4		17	20	31	36
Andorra							0	0							0	0	0	0
Armenia	5	6	15	17	4		24	23	9	17	15	16	2	1	26	34	50	57
Austria			4	3	2		6	3			6	3			6	3	12	6
Azerbaijan	21	21	27	32	1		49	53	110	121	98	100	14	11	222	232	271	285
Belgium	5	7	14	14	2	1	21	22	5	4	8	15	3	3	16	22	37	44
Bosnia and Herzegovina	1	1	11	10		2	12	13	4	4	15	21	3	4	22	29	34	42
Bulgaria	20	30	68	63	4		92	93	26	37	33	46	13	6	72	89	164	182
Croatia	2	2	22	22	1	2	25	26	8	6	37	42	9	3	54	51	79	77
Cyprus	2	1	6	7	2	1	10	9	1		1	1	1		3	1	13	10
Czech Republic	1	1	1	3			2	4			3	2	1	1	4	3	6	7
Denmark			2	3	1		3	3				1	1		1	1	4	4
Estonia			1	3			1	3							0	0	1	3
Finland	1	1	8	8			9	9			9	9			9	9	18	18
France	4	5	19	22	2	2	25	29	1	1	5	4	1	5	7	10	32	39
Georgia	5	6	19	21	3		27	27	23	27	13	13		1	36	41	63	68

STATE	LEADING CASES								REPETITIVE CASES								TOTAL	
	Enhanced supervision		Standard supervision		Awaiting classification		Total of leading cases		Enhanced supervision		Standard supervision		Awaiting classification		Total of repetitive cases			
	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022
Germany			13	12			13	12			3	2			3	2	16	14
Greece	7	7	27	19		1	34	27	17	18	34	14	8	11	59	43	93	70
Hungary	14	14	33	29			47	43	70	58	133	102	15	16	218	176	265	219
Iceland	1		1	1			2	1			3	4	1		4	4	6	5
Ireland	1	1	1	1			2	2			3				3	0	5	2
Italy	23	23	31	35	4	1	58	59	25	29	72	82	15	17	112	128	170	187
Latvia			6	6	1	2	7	8			2				2	0	9	8
Liechtenstein			1				1	0			1				1	0	2	0
Lithuania	3	2	13	17			16	19			15	17	1	2	16	19	32	38
Luxembourg				1			0	1				2			0	2	0	3
Malta	5	5	8	10			13	15	15	22	6	9	5		26	31	39	46
Republic of Moldova	7	7	40	36	4	2	51	45	7	18	94	87	18	3	119	108	170	153
Monaco				1	1		1	1							0	0	1	1
Montenegro			5	5			5	5			1	2	1	2	2	4	7	9
Netherlands	1	1	6	3	1		8	4			2				2	0	10	4
North Macedonia	3	3	12	8			15	11	8	8	22	8	2	2	32	18	47	29
Norway	1	1	1				2	1	7	3			3		10	3	12	4
Poland	11	14	24	31	3	1	38	46	23	27	30	31	6	21	59	79	97	125

STATE	LEADING CASES								REPETITIVE CASES								TOTAL	
	Enhanced supervision		Standard supervision		Awaiting classification		Total of leading cases		Enhanced supervision		Standard supervision		Awaiting classification		Total of repetitive cases			
	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022
Portugal	3	3	13	12	1		17	15	5	7	3	13	3	4	11	24	28	39
Romania	33	35	65	75	8	3	106	113	159	212	94	148	50	36	303	396	409	509
San Marino			2	2			2	2					1		1	0	3	2
Serbia	5	5	7	7		1	12	13	10	37	14	5	40	42	64	84	76	97
Slovak Republic	1	3	16	20	3	1	20	24	1	1	29	26	13	8	43	35	63	59
Slovenia		1	3	2	1	1	4	4				1		1	0	2	4	6
Spain	2	1	20	19	1	1	23	21			14	9			14	9	37	30
Sweden	2	2					2	2							0	0	2	2
Switzerland	1		7	6		2	8	8			1	2		1	1	3	9	11
Türkiye	37	36	98	89	4	1	139	126	152	152	196	189	23	13	371	354	510	480
Ukraine	53	51	51	48	2		106	99	416	508	79	76	37	33	532	617	638	716
United Kingdom	4	5	5	5	2	1	11	11	3	3	2				5	3	16	14
<b>NON-MEMBER STATE</b>																		
Russian Federation	56	62	159	164	2	2	217	228	1047	1219	607	722	71	183	1725	2124	1942	2352
<b>TOTAL</b>	<b>343</b>	<b>367</b>	<b>897</b>	<b>904</b>	<b>60</b>	<b>28</b>	<b>1300</b>	<b>1299</b>	<b>2153</b>	<b>2542</b>	<b>1715</b>	<b>1841</b>	<b>365</b>	<b>430</b>	<b>4233</b>	<b>4813</b>	<b>5533</b>	<b>6112</b>

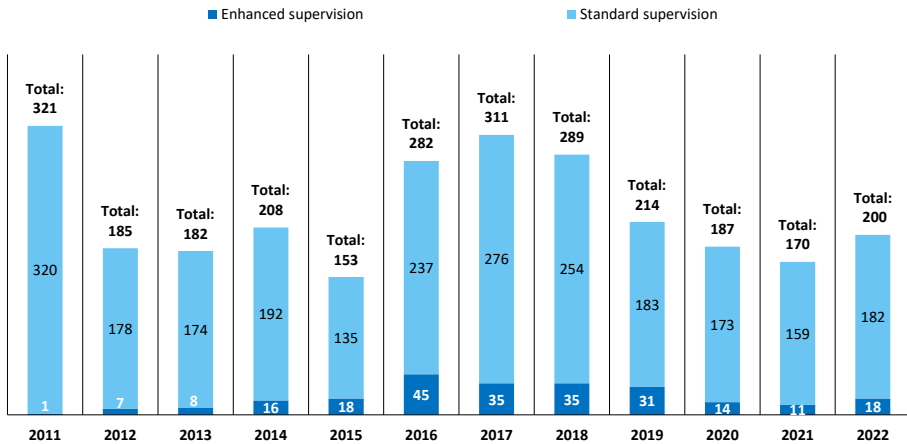
## D. Closed cases

### D.1. Leading or repetitive cases

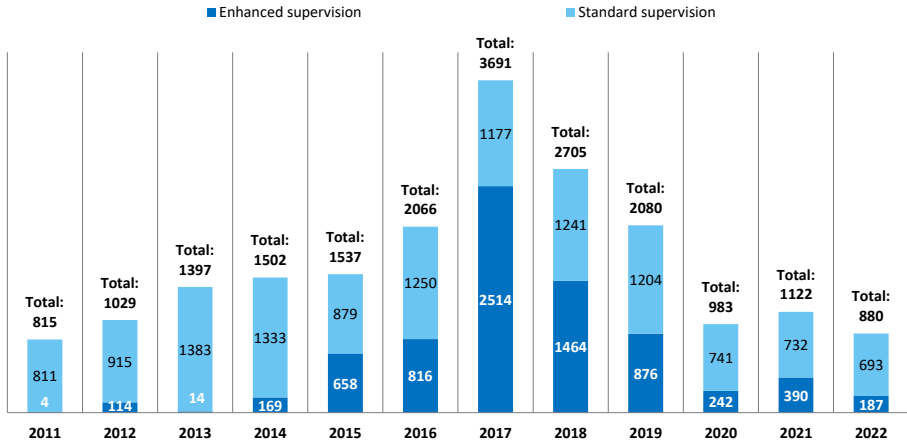


### D.2. Enhanced or standard supervision

#### Leading cases closed



## Total number of cases closed



### D.3. Closed cases – State by State

STATE	LEADING CASES						REPETITIVE CASES						TOTAL	
	Enhanced supervision		Standard supervision		Total of leading cases		Enhanced supervision		Standard supervision		Total of leading cases			
	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022
Albania					0	0			3	3	3	3	3	3
Andorra					0	0					0	0	0	0
Armenia			4	7	4	7	4		7	5	11	5	15	12
Austria			3	5	3	5			5	3	5	3	8	8
Azerbaijan		1		2	0	3	2	1	10	31	12	32	12	35
Belgium			2	5	2	5	1	2	5	5	6	7	8	12
Bosnia-Herzegovina			1	2	1	2	7		11	13	18	13	19	15
Bulgaria			8	10	8	10	14		27	9	41	9	49	19
Croatia		1	14	12	14	13		4	27	23	27	27	41	40
Cyprus		1		2	0	3		1	2	2	2	3	2	6
Czech Republic					0	0			2	5	2	5	2	5
Denmark					0	0				1	0	1	0	1
Estonia			2	1	2	1			2	1	2	1	4	2
Finland			1		1	0			11		11	0	12	0
France			8	8	8	8			9	6	9	6	17	14
Georgia			1	2	1	2		2	1	1	1	3	2	5
Germany				1	0	1			1	3	1	3	1	4

STATE	LEADING CASES						REPETITIVE CASES						TOTAL	
	Enhanced supervision		Standard supervision		Total of leading cases		Enhanced supervision		Standard supervision		Total of leading cases			
	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022
Greece	1		11	14	12	14	19	1	26	33	45	34	57	48
Hungary			11	4	11	4	12	33	43	72	55	105	66	109
Iceland		1	1	1	1	2			12	2	12	2	13	4
Ireland					0	0	1			3	1	3	1	3
Italy	2	2	5	2	7	4	37	9	29	19	66	28	73	32
Latvia			2	3	2	3				2	0	2	2	5
Liechtenstein				1	0	1				1	0	1	0	2
Lithuania		1	8	2	8	3			1	3	1	3	9	6
Luxembourg					0	0					0	0	0	0
Malta					0	0	5	4		1	5	5	5	5
Republic of Moldova		1	11	13	11	14	8		21	39	29	39	40	53
Monaco					0	0					0	0	0	0
Montenegro			2	1	2	1			2	3	2	3	4	4
Netherlands				5	0	5			2	5	2	5	2	10
North Macedonia			3	6	3	6			10	22	10	22	13	28
Norway			1	1	1	1	1	8			1	8	2	9
Poland	1	1	3	2	4	3	4		27	23	31	23	35	26
Portugal			5	2	5	2	2		10	3	12	3	17	5

STATE	LEADING CASES						REPETITIVE CASES						TOTAL	
	Enhanced supervision		Standard supervision		Total of leading cases		Enhanced supervision		Standard supervision		Total of leading cases			
	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022
Romania		2	3	6	3	8	29	7	13	22	42	29	45	37
San Marino					0	0			1	1	1	1	1	1
Serbia		1	1	2	1	3	2	43	28	11	30	54	31	57
Slovak Republic			1	3	1	3			6	33	6	33	7	36
Slovenia			5	3	5	3					0	0	5	3
Spain		1	1	8	1	9			1	6	1	6	2	15
Sweden			2		2	0					0	0	2	0
Switzerland		1	5	3	5	4				7	0	7	5	11
Türkiye	4	3	16	23	20	26	80	28	122	53	202	81	222	107
Ukraine	1	1	14	15	15	16	78	26	33	25	111	51	126	67
United Kingdom			3	4	3	4	3		3	9	6	9	9	13
<b>NON-MEMBER STATE</b>														
Russian Federation	2		1	1	3	1	70		60	2	130	2	133	3
<b>TOTAL</b>	<b>11</b>	<b>18</b>	<b>159</b>	<b>182</b>	<b>170</b>	<b>200</b>	<b>379</b>	<b>169</b>	<b>573</b>	<b>511</b>	<b>952</b>	<b>680</b>	<b>1122</b>	<b>880</b>



## E. Supervision process

### E.1. Action plans/reports

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

Year	Action plans received	Action reports received	Reminder letters <sup>20</sup> (States concerned)
2022	254	509	92 (17)
2021	245	427	84 (16)
2020	212	398	48 (19)
2019	172	438	54 (18)
2018	187	462	53 (16)
2017	249	570	75 (36)
2016	252	504	69 (27)
2015	236	350	56 (20)
2014	266	481	60 (24)
2013	229	349	82 (29)
2012	158	262	62 (27)
2011	114	236	32 (17)

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20. According to the CM working methods, when the six-month deadline for States to submit an action plan / report has expired and no such document has been transmitted to the Committee of Ministers, the Department for the Execution of Judgments sends a reminder letter to the delegation concerned. If a member State has not submitted an action plan/report within three months after the reminder, and no explanation of this situation is given to the Committee of Ministers, the Secretariat is responsible for proposing the case for detailed consideration by the Committee of Ministers under the enhanced procedure (see [CM/Inf/DH\(2010\)45final](#), item IV).

## E.2. Interventions of the Committee of Ministers<sup>21</sup>

Year	Number of interventions of the CM during the year	Total cases/groups of cases examined	States concerned	States with cases under enhanced supervision
2022	154	145	32	32
2021	168	161	29	28
2020	136	131	28	32
2019	131	98	24	32
2018	123	96	30	31
2017	157	116	26	31
2016	148	107	30	31
2015	108	64	25	31
2014	111	68	26	31
2013	123	76	27	31
2012	119	67	26	29
2011	97	52	24	26

The Committee of Ministers' interventions are divided as follows:

Year	Examined four times or more	Examined three times	Examined twice	Examined once
2022	20	9	24	92
2021	28	9	33	91
2020	1	3	16	86
2019	3	4	14	77
2018	3	1	11	81
2017	6	2	17	89
2016	5	6	11	85
2015	4	10	9	41
2014	6	5	11	46
2013	6	5	14	51
2012	6	9	11	41
2011	1	12	12	27

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

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

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### *Transfers to enhanced supervision*

In 2022, 11 leading cases /groups of cases concerning seven States (Albania, Belgium, Bulgaria, Italy, Serbia, Türkiye and United Kingdom) have been transferred from standard to enhanced supervision. In 2021, two leading cases/groups of cases concerning two States (Russian Federation and North Macedonia) have been transferred from standard to enhanced supervision. In 2020, six leading cases/groups of cases concerning five States (Cyprus, Sweden, Serbia, Turkey and Hungary) have been transferred from standard to enhanced supervision. In 2019, five leading cases/groups of cases concerning three States (Poland, Romania and Turkey) have been transferred. In 2018, four leading cases/groups of cases concerning three States (Cyprus, Malta and Hungary) were transferred. In 2017, two leading cases/groups of cases concerning two States (Ireland and Russian Federation) were transferred. In 2016, six leading cases/groups of cases concerning four States (Bulgaria, Georgia, Romania and Turkey). In 2015, two leading cases/groups of cases concerning two States (Hungary and Turkey). In 2014, seven leading cases/groups of cases concerning four States (Bulgaria, Lithuania, Poland and Turkey). In 2013, two leading cases/groups of cases concerning two States (Italy and Turkey). In 2012, one leading case/group of cases concerning one State (Hungary). No leading case/group of cases was transferred in 2011.

### *Transfers to standard supervision*

In 2022, no case was transferred from enhanced to standard supervision. In 2021, three leading cases/groups of cases concerning two States (Bosnia and Herzegovina and Lithuania) have been transferred from enhanced to standard supervision. In 2020, four leading cases/groups of cases concerning four States (Russian Federation, Serbia, Croatia, Ukraine) were transferred from enhanced to standard supervision. In 2019, thirty-two leading cases/groups of cases concerning two States (North Macedonia and Greece) were transferred. In 2018, no leading cases/groups of cases were transferred from enhanced to standard supervision. In 2017, five leading cases/groups of cases concerning three States (Bulgaria, Bosnia and Herzegovina and Russian Federation) were transferred from enhanced to standard supervision. In 2016, four leading cases/groups of cases concerning three States (Greece, Ireland and Turkey). In 2015, two leading cases/groups of cases concerning two States (Norway and the United Kingdom). In 2014, nineteen leading cases/groups of cases concerning seven States (Bosnia and Herzegovina, Germany, Greece, Hungary, Italy, Poland and Russian Federation). In 2013, seven leading cases/groups of cases concerning three States (Slovenia, Turkey and Russian Federation). In 2012, nine leading case/group of cases concerning six States (Croatia, Spain, Republic of Moldova, Poland, Russian Federation and the United Kingdom). In 2011, four leading case/group of cases concerning four States (France, Georgia, Germany and Poland) were transferred.

## E.4. Contributions from Civil Society Organisations (CSOs) and National Human Rights Institutions (NHRIs)

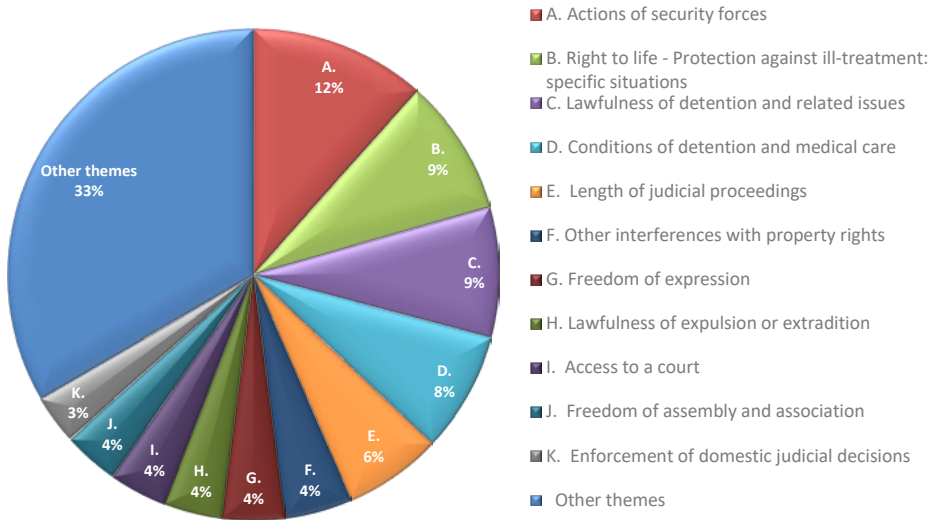
Year	Contributions from CSOs and NHRIs	States concerned
2022	217 <sup>22</sup>	29
2021	206 <sup>23</sup>	27
2020	176	28
2019	133	24
2018	64	19
2017	79	19
2016	90	22
2015	81	21
2014	80	21
2013	81	18
2012	47	16
2011	47	12

22. In 2022, the Committee of Ministers received 200 contributions from CSOs and 17 contributions from NHRIs.

23. In 2021, the Committee of Ministers received 195 contributions from CSOs and 11 contributions from NHRIs.

## E.5. Main themes of leading cases under enhanced supervision<sup>24</sup>

2022



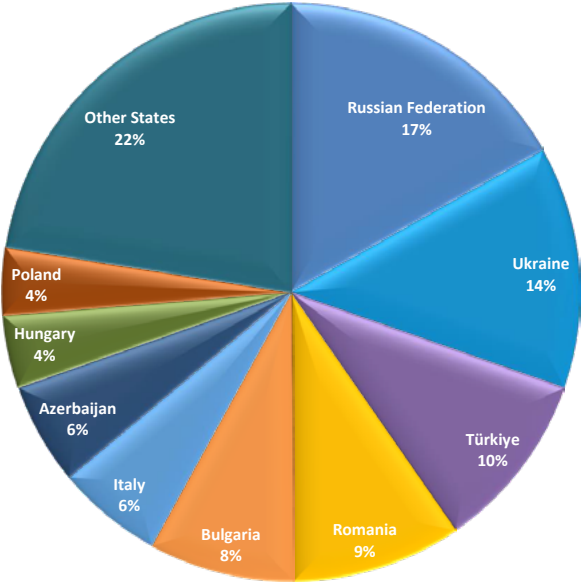
2021



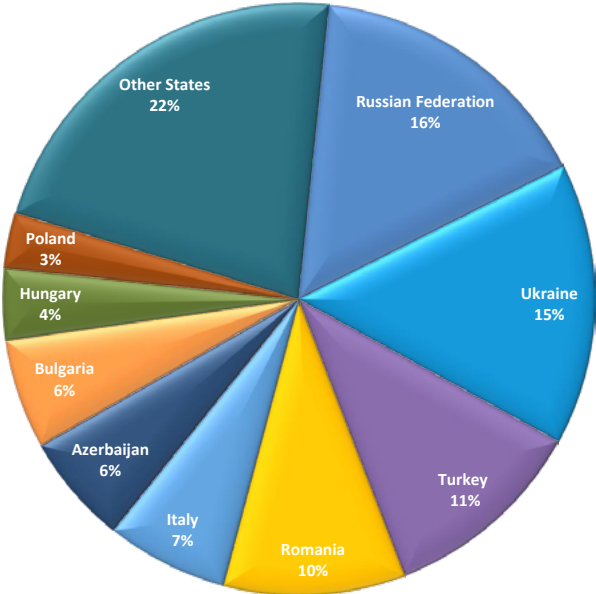
24. "Other interferences with property rights" refers to cases concerning interferences other than expropriations and nationalisations.

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

2022



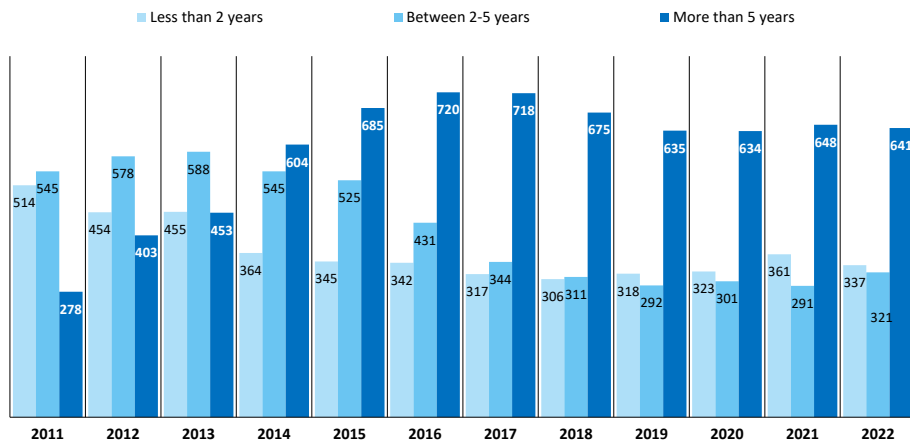
2021



## F. Length of the execution process

### F.1. Leading cases pending

#### Overview



#### Leading cases pending – State by State

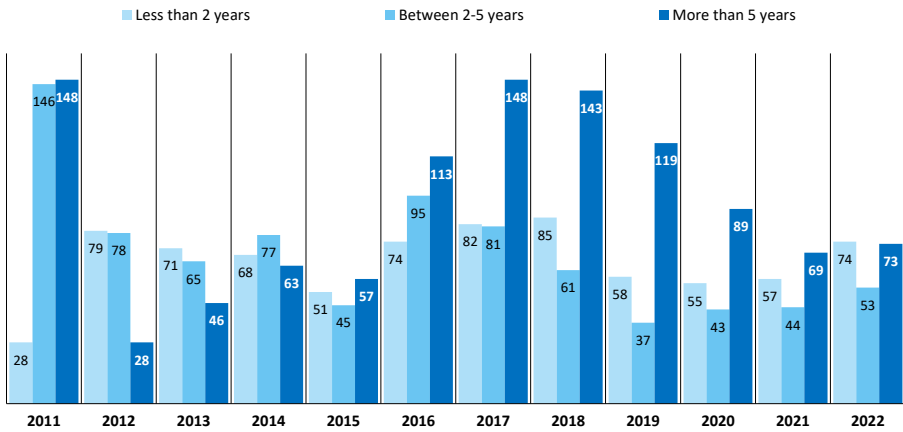
STATE	ENHANCED SUPERVISION						STANDARD SUPERVISION					
	< 2 years		2-5 years		> 5 years		< 2 years		2-5 years		> 5 years	
	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022
Albania	1	1		2	1	1	3	2	7	7	2	3
Andorra												
Armenia		1	2	1	3	4	7	8	4	4	4	5
Austria							2	3			2	
Azerbaijan	6	1	2	7	13	13	8	9	1	6	18	17
Belgium	1			3	4	4	6	8	6	5	2	1
Bosnia and Herzegovina					1	1	5	2	3	5	3	3
Bulgaria	2	7		1	18	22	22	18	12	13	34	32
Croatia		1			2	1	11	13	4	3	7	6
Cyprus			1		1	1	3	2	3	5		
Czech Republic					1	1	1	2		1		
Denmark							2	2		1		
Estonia							1	3				
Finland					1	1					8	8
France	2	1	2	4			10	11	5	7	4	4
Georgia		1	1		4	5	8	6	7	10	4	5

STATE	ENHANCED SUPERVISION						STANDARD SUPERVISION					
	< 2 years		2-5 years		> 5 years		< 2 years		2-5 years		> 5 years	
	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022
Germany							5	3	5	3	3	6
Greece			1	1	6	6	7	5	8	7	12	7
Hungary	3	1	1	3	10	10	9	3	2	8	22	18
Iceland	1							1	1			
Ireland					1	1					1	1
Italy	5	4	6	6	12	13	5	8	10	12	16	15
Latvia							5	3	1	3		
Liechtenstein											1	
Lithuania			1	1	2	1	5	7	7	9	1	1
Luxembourg								1				
Malta	2	1		1	3	3	2	3	4	5	2	2
Republic of Moldova		1	1	1	6	5	12	10	3	6	25	20
Monaco								1				
Montenegro							3	2	1	2	1	1
Netherlands			1	1			2	2	2		2	1
North Macedonia			2	2	1	1	7	3	2	3	3	2
Norway			1	1			1					
Poland	2	5		1	9	8	5	11	9	9	10	11
Portugal	1		1	2	1	1	4	1	5	6	4	5
Romania	8	7	8	9	17	19	19	24	26	26	20	25
San Marino							2	1		1		
Serbia					5	5	4	3	1	3	2	1
Slovak Republic	1	2		1			7	10	5	6	4	4
Slovenia		1					1	1	2	1		
Spain	1				1	1	7	11	10	6	3	2
Sweden	1	1			1	1						
Switzerland					1		5	4	2	2		
Türkiye	4	3	7	8	26	25	8	17	25	19	65	53
Ukraine	5	2	7	7	41	42	14	17	9	7	28	24
United Kingdom	2	1		1	2	3	3	4	1	1	1	
<b>NON-MEMBER STATE</b>												
Russian Federation	6	7	15	15	35	40	16	15	38	30	105	119
<b>TOTAL</b>	<b>54</b>	<b>49</b>	<b>60</b>	<b>79</b>	<b>229</b>	<b>239</b>	<b>247</b>	<b>260</b>	<b>231</b>	<b>242</b>	<b>419</b>	<b>402</b>



## F.2. Leading cases closed

### Overview



### Leading cases closed – State by State

STATE	ENHANCED SUPERVISION						STANDARD SUPERVISION					
	< 2 years		2-5 years		> 5 years		< 2 years		2-5 years		> 5 years	
	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022
Albania												
Andorra												
Armenia							3	5	1	2		
Austria							1	2	1	1	1	2
Azerbaijan				1				1				1
Belgium							1	2	1	2		1
Bosnia and Herzegovina								1	1	1		
Bulgaria							3	4	2	5	3	1
Croatia						1	7	7	1	2	6	3
Cyprus				1				2				
Czech Republic												
Denmark												
Estonia							2	1				
Finland							1					
France							2	4	4	4	2	
Georgia									1	2		
Germany										1		
Greece					1		5	4	3	2	3	8
Hungary									1		10	4

STATE	ENHANCED SUPERVISION						STANDARD SUPERVISION					
	< 2 years		2-5 years		> 5 years		< 2 years		2-5 years		> 5 years	
	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022
Iceland		1					1					1
Ireland												
Italy			1		1	2			4		1	2
Latvia								1		2	2	
Liechtenstein												1
Lithuania						1	6	1	2	1		
Luxembourg												
Malta												
Republic of Moldova						1	4	8			7	5
Monaco												
Montenegro							2	1				
Netherlands								2		1		2
North Macedonia							2	3		2	1	1
Norway								1	1			
Poland					1	1	2	1			1	1
Portugal								1	4	1	1	
Romania				2			2	2		4	1	
San Marino												
Serbia						1	1	1		1		
Slovak Republic								1	1	1		1
Slovenia							1	2	3	1	1	
Spain		1						1	1	5		2
Sweden									2			
Switzerland						1	5	3				
Türkiye			1		3	3	3		5	6	8	17
Ukraine					1	1	1	6	1	2	12	7
United Kingdom							2	4	1			
<b>NON-MEMBER STATE</b>												
Russian Federation			1		1						1	1
<b>TOTAL</b>	<b>0</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>8</b>	<b>12</b>	<b>57</b>	<b>72</b>	<b>41</b>	<b>49</b>	<b>61</b>	<b>61</b>

## G. Just satisfaction

### G.1. Just satisfaction awarded

#### *Global amount*

YEAR	TOTAL AWARDED
2022	110 802 181 €
2021	36 381 005 €
2020	76 452 187 €
2019	77 244 322 €
2018	68 739 884 €
2017	60 399 112 €
2016	82 288 795 €
2015	53 766 388 €
2014	2 039 195 858 €
2013	135 420 274 €
2012	176 798 888 €
2011	72 300 652 €
2010	64 032 637 €

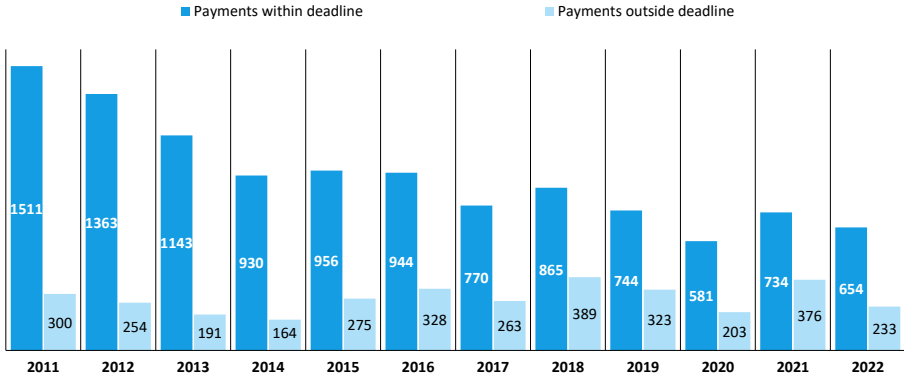
#### *State by State*

STATE	TOTAL AWARDED	
	2021	2022
Albania	25 350 €	60 000 €
Andorra	0 €	0 €
Armenia	298 448 €	208 716 €
Austria	138 071 €	25 400 €
Azerbaijan	890 490 €	986 152 €
Belgium	158 451 €	281 860 €
Bosnia and Herzegovina	175 713 €	240 519 €
Bulgaria	452 546 €	408 117 €
Croatia	519 601 €	389 205 €
Cyprus	105 425 €	22 763 €
Czech Republic	24 610 €	33 140 €
Denmark	47 923 €	0
Estonia	39 040 €	25 129 €
Finland	0 €	0 €
France	138 957 €	541 826 €
Georgia	106 650 €	272 100 €
Germany	47 647 €	22 500 €

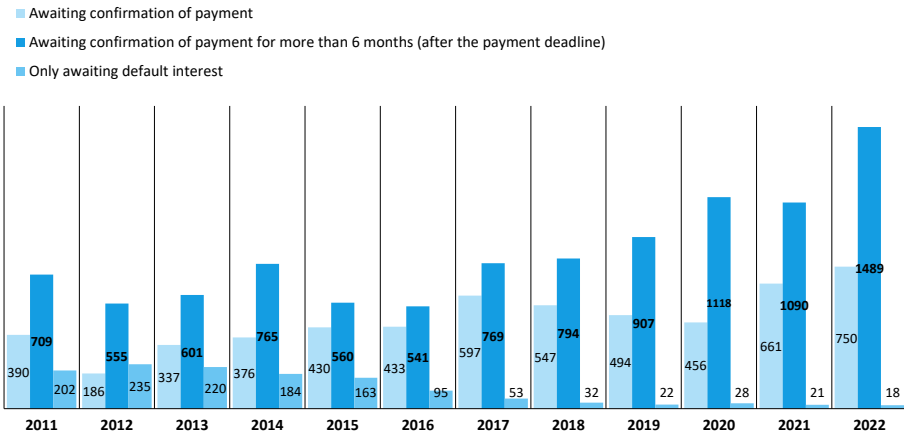
STATE	TOTAL AWARDED	
	2021	2022
Greece	1 145 080 €	933 702 €
Hungary	1 942 650 €	4 320 410 €
Iceland	180 050 €	8 000 €
Ireland	19 800 €	0
Italy	3 190 110 €	5 905 876 €
Latvia	11 382 €	63 762 €
Liechtenstein	0 €	0 €
Lithuania	34 936 €	217 296 €
Luxembourg	0 €	24 000 €
Malta	613 279 €	1 141 759 €
Republic of Moldova	2 558 897 €	503 058 €
Monaco	35 741 €	0 €
Montenegro	19 250 €	71 200 €
Netherlands	29 897 €	18 812 €
North Macedonia	155 350 €	116 350 €
Norway	204 000 €	25 500 €
Poland	740 847 €	721 401 €
Portugal	140 097 €	323 135 €
Romania	4 181 275 €	2 860 079 €
San Marino	61 000 €	0
Serbia	983 100 €	1 171 688 €
Slovak Republic	726 843 €	386 473 €
Slovenia	22 947 €	69 000 €
Spain	90 688 €	221 029 €
Sweden	52 625 €	0
Switzerland	52 019 €	321 885 €
Türkiye	1 061 335 €	5 682 721 €
Ukraine	2 452 840 €	1 864 517 €
United Kingdom	588 429 €	157 552 €
<b>NON-MEMBER STATE</b>		
Russian Federation	11 917 616 €	80 155 549 €
<b>TOTAL</b>	<b>36 381 005 €</b>	<b>110 802 181 €</b>

## G.2. Respect of payment deadlines

### Overview of payments made



### Awaiting Information on payment



## State by State

STATE	RESPECT OF PAYMENT DEADLINES									
	Payments within deadline		Payments outside deadline		Cases only awaiting default interest		Cases awaiting confirmation of payments at 31 December		... including cases awaiting this information for more than six months (outside payment deadline)	
	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022
Albania		4	2	1			12	16	9	11
Andorra										
Armenia	23	20	2	1			2	1	2	1
Austria	6	3					2	1	1	1
Azerbaijan	23	13	28	25	6	3	58	73	33	45
Belgium	5	3	6	13			6	9	4	3
Bosnia and Herzegovina	16	13	2	4			14	16	10	12
Bulgaria	55	10	10				17	46	3	17
Croatia	45	31	2	3			7	6		1
Cyprus	5	4					2	1		
Czech Republic	3	9					4	1	2	
Denmark	1	2		1			3			
Estonia	3	3								
Finland	1									
France	9	9	4				6	15	1	4
Georgia	9	9					2	2	2	2
Germany	6	4					2		2	
Greece	24	24	5				7	13	1	1
Hungary	47	115	5	20			155	82	115	56
Iceland	6	3		1			2		1	
Ireland	3									
Italy	30	10	24	13	7	6	40	72	22	31
Latvia	3	2								
Liechtenstein										
Lithuania	7	10		1			1	1	1	
Luxembourg								2		2
Malta	5	17	2	1			3	1	1	1
Republic of Moldova	54	49	1				21	7		

STATE	RESPECT OF PAYMENT DEADLINES									
	Payments within deadline		Payments outside deadline		Cases only awaiting default interest		Cases awaiting confirmation of payments at 31 December		... including cases awaiting this information for more than six months (outside payment deadline)	
	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022
Monaco		1								
Montenegro	3	5						1		
Netherlands	5	4					1	1		
Norway	2	6	1	1			6		1	
North Macedonia	20	9	1	1			3	3	1	1
Poland	32	41	2	4			19	24	5	6
Portugal	8	6	2	3			7	15	2	6
Romania	28	38	26	28			147	215	85	154
San Marino	1	1					1	1	1	1
Serbia	18	26	17	44			41	51	5	7
Slovak Republic	23	39					17	12	1	1
Slovenia	1	3		1				1		
Spain	2	6		5			7	4	4	1
Sweden	1									
Switzerland	6	8						4		
Türkiye	54	54	10	11			91	82	54	59
Ukraine	37	32	30	42	2	3	310	357	182	274
United Kingdom	4	8	1	5			5	1		
<b>NON-MEMBER STATE</b>										
Russian Federation	100		193	4	6	6	730	1102	539	791
<b>TOTAL</b>	<b>734</b>	<b>654</b>	<b>376</b>	<b>233</b>	<b>21</b>	<b>18</b>	<b>1751</b>	<b>2239</b>	<b>1090</b>	<b>1489</b>

## H. Additional statistics

### H.1. Overview of friendly settlements and WECL cases

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

A friendly settlement with undertaking implies a respondent State's commitment to adopt individual measures or general measures in order to address and prevent future similar violations.

Year	"WECL" cases Article 28§1b	New friendly settlements without undertaking	New friendly settlements with undertaking	TOTAL of new friendly settlements
2022	793	311	77	388
2021	664	367	43	410
2020	466	224	16	240
2019	537	339	12	351
2018	523	275	7	282
2017	507	383	23	406
2016	302	504	6	510
2015	167	534	59	593
2014	205	501	98	599
2013	214	452	45	497
2012	198	495	54	549
2011	261	544	21	564
2010	113	227	6	233

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

STATE	"WECL" cases Article 28§1b (number of corresponding applications)		Friendly settlements (Article 39§4) (number of corresponding applications)		TOTAL	
	2021	2022	2021	2022	2021	2022
Albania		3 (3)	5 (6)	2 (2)	5	5
Andorra	5				0	0
Armenia	(11)	11 (19)	1 (1)	1 (1)	11	11
Austria					0	0
Azerbaijan	10 (11)	11 (19)	1 (1)	1 (1)	11	12
Belgium	2 (3)	1 (1)	3 (6)		5	1
Bosnia and Herzegovina	18 (47)	10 (24)	20 (67)	21 (64)	38	31
Bulgaria	2 (2)	4 (4)	5 (6)	10 (22)	7	14



STATE	“WECL” cases Article 28§1b (number of corresponding applications)		Friendly settlements (Article 39§4) (number of corresponding applications)		TOTAL	
	2021	2022	2021	2022	2021	2022
Croatia	13 (59)	9 (14)	4 (6)	14 (48)	17	23
Cyprus	17 (30)	15 (15)	12 (30)	10 (33)	29	25
Czech Republic			4 (4)	4 (4)	4	4
Denmark			1 (1)		1	0
Estonia		1 (1)	2 (2)	1 (1)	2	2
Finland					0	0
France	2 (2)		7 (10)	5 (6)	9	5
Georgia	5 (8)	3 (3)			5	3
Germany	1 (1)		1 (1)	2 (2)	2	2
Greece	4 (6)	13 (13)	13 (40)	6 (7)	17	19
Hungary	25 (78)	31 (197)	23 (221)	29 (170)	48	60
Iceland			6 (7)	2 (2)	6	2
Ireland			3 (3)		3	0
Italy	19 (28)	15 (22)	27 (236)	25 (85)	46	40
Latvia		3 (3)			0	3
Liechtenstein					0	0
Lithuania	5 (5)	5 (14)	1 (1)	2 (9)	6	7
Luxembourg		1 (1)			0	1
Malta	7 (7)	7 (9)	1 (1)		8	7
Republic of Moldova	36 (41)	25 (26)	8 (8)	3 (3)	44	28
Monaco			1 (1)		1	0
Montenegro	1 (1)	2 (2)	1 (1)	2 (4)	2	4
Netherlands			2 (4)	4 (4)	2	4
North Macedonia	3 (3)	3 (3)	13 (74)	7 (19)	16	10
Norway	5 (5)				5	0
Poland	6 (6)	16 (16)	26 (131)	22 (77)	32	38
Portugal		4 (6)	7 (11)	9 (14)	7	13
Romania	70 (479)	57 (497)	27 (224)	68 (406)	97	125
San Marino			2 (2)		2	0
Serbia	5 (12)	8 (24)	61 (708)	68 (625)	66	76
Slovak Republic	16 (18)	5 (7)	18 (26)	19 (23)	34	24
Slovenia				2 (13)	0	2

STATE	“WECL” cases Article 28§1b (number of corresponding applications)		Friendly settlements (Article 39§4) (number of corresponding applications)		TOTAL	
	2021	2022	2021	2022	2021	2022
Spain	4 (4)	2 (2)			4	2
Sweden					0	0
Switzerland		1 (1)	1 (1)	7 (7)	1	8
Türkiye	36 (95)	43 (666)	23 (43)	8 (10)	59	51
Ukraine	172 (485)	130 (356)	5 (7)		177	130
United Kingdom			5 (5)	9 (9)	5	9
<b>NON-MEMBER STATE</b>						
Russian Federation	163 (641)	347 (1635)	58 (242)	18 (27)	221	365
<b>TOTAL</b>	<b>664 (2101)<sup>25</sup></b>	<b>793 (3606)</b>	<b>410 (2172)</b>	<b>388 (1718)</b>	<b>1074</b>	<b>1181</b>

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



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

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### **A. Pilot judgments which became final in 2022**

In 2022 the European Court did not issue a pilot judgment.

## B. Judgments with indications of relevance for the execution (under Article 46) which became final in 2022

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

STATE	CASE	APPLICATION No.	JUDGMENT FINAL ON	NATURE OF INDICATIONS GIVEN BY THE COURT
Albania	<i>X and Others</i>	73548/17+	31/08/2022	<p><b>Enhanced supervision</b></p> <p><i>Discrimination due to the failure to end segregation in an elementary school attended almost exclusively by Roma and Egyptian children.</i></p> <p>Reiterating that, subject to the monitoring by the Committee of Ministers, the respondent State remains free to choose the means by which it will discharge its legal obligation to put an end to the violation and to redress its effects, the Court considered that measures to be taken must ensure the end of the discrimination on account of the over-representation of Roma and Egyptian pupils at the “Naim Frashëri” school, as ordered by the decision of 22 September 2015 of the Commissioner for the Protection from Discrimination.</p>
	<i>Laci</i>	28142/17	19/01/2022	<p><b>Standard supervision</b></p> <p><i>Domestic court’s failure to assess the applicant’s eligibility for exemption from court fees, violating his right of access to court and shortcomings in the functioning of the State Commission for Legal Aid.</i></p> <p>The Court considered that the national courts should ensure, as a matter of urgency, that the applicant’s eligibility for exemption from the payment of court fees is assessed without undue delay. In view of the Legal Aid Act 2017 which repealed the Legal Aid Act 2008, the Court did not consider that any general measures are called for. The implementation of this law may, however, be subject to the Court’s review depending, in particular, on the authorities’ capacity to consider applications for legal aid.</p>

STATE	CASE	APPLICATION No.	JUDGMENT FINAL ON	NATURE OF INDICATIONS GIVEN BY THE COURT
<b>Azerbaijan</b>	<i>Democracy and Human Rights Resource Centre and Mustafayev</i>	74288/14 and 64568/16	28/02/2022	<p><b>Standard supervision</b></p> <p><i>Freezing of the bank accounts of a human rights defender and his NGO and imposition of travel bans for the purpose of punishing them for and impeding their work as well as in connection with an alleged tax debt.</i></p> <p>The Court reiterated that, by virtue of Article 46 of the Convention, the Contracting Parties have undertaken to abide by the final judgments of the Court in any case to which they are parties, with execution being supervised by the Committee of Ministers of the Council of Europe. It should thus be left to the Committee of Ministers to supervise, on the basis of the information provided by the respondent State and with due regard to the applicants' evolving situation, the adoption of measures aimed, among others, at eliminating any impediment to the exercise of their activities. Those measures should be feasible, timely, adequate and sufficient to ensure the maximum possible reparation for the violations found by the Court, and they should put the applicants, as far as possible, in the position in which they had been before the freezing of their bank accounts and the imposition of travel bans.</p>
<b>Bulgaria</b>	<i>Stoyanova</i>	56070/18	14/09/2022	<p><b>Enhanced supervision</b></p> <p><i>Authorities' failure to ensure that attacks motivated by hostility towards victims' actual or presumed sexual orientation do not remain without an appropriate criminal law response.</i></p> <p>The European Court indicated, under Article 46 of the Convention, that the breach found in this case appeared to be of a systemic character, in the sense that it resulted from the content of the relevant Bulgarian criminal law, as interpreted and applied by the Bulgarian courts. It indicated that Bulgaria should ensure that violent attacks (in particular, those resulting in the victim's death) motivated by hostility towards the victim's actual or presumed sexual orientation are in some way treated as aggravated in criminal-law terms.</p>

STATE	CASE	APPLICATION No.	JUDGMENT FINAL ON	NATURE OF INDICATIONS GIVEN BY THE COURT
<b>Bulgaria</b>	<i>Ekimdzhev and Others</i>	70078/12	11/01/2022	<p><b>Enhanced supervision</b></p> <p><i>Insufficient safeguards in law against the risk of abuse by the secret surveillance system and the system of retention and accessing of communications data, including the lack of effective remedies in this respect.</i></p> <p>In its judgment the Court underlined, that as far as secret surveillance is concerned, general measures will have to supplement those which the Bulgarian authorities have already taken to execute the case <i>Association for European Integration and Human Rights and Ekimdzhev</i>.</p>
<b>France</b>	<i>H.F. and Others</i>	24384/19	14/09/2022	<p><b>Enhanced supervision</b></p> <p><i>Violation of the right to enter the State of which a person is a national due to lack of appropriate safeguards against arbitrariness in the examination of the applicants' requests for repatriation of their daughters and their grandchildren having been held in the camps in north-eastern Syria following the fall of the "Islamic State".</i></p> <p>The Court found that in the absence of any formal decision by the competent authorities refusing the applicants' requests, the jurisdictional immunity raised against them by the domestic courts, deprived them of any possibility of meaningfully challenging the grounds relied upon and of verifying that those grounds were not arbitrary. It indicated that "the French Government must re-examine those requests, in a prompt manner, while ensuring that appropriate safeguards are afforded against any arbitrariness".</p>

STATE	CASE	APPLICATION No.	JUDGMENT FINAL ON	NATURE OF INDICATIONS GIVEN BY THE COURT
<b>Italy</b>	<i>D.M. and N.</i>	60083/19	20/04/2022	<p><b>Standard supervision</b></p> <p><i>Adoption procedure initiated by the authorities in breach of the mother's and her child's right to respect for family life.</i></p> <p>The Court, under Article 46, invited the authorities to rapidly reassess the case of the applicant in the light of the judgment envisaging the possibility to re-establish some form of contact between the applicant and her child. The Court also considered that the most appropriate form of redress for a violation of Article 8 of the Convention in a case such as the present one, where the decision-making process conducted by the domestic courts led to the second applicant's declaration of adoptability, is to ensure that the applicants find themselves as far as possible in the situation which would have been the case. if that provision had not been infringed.</p>
<b>Poland</b>	<i>Advance Pharma SP. Z.O.O</i>	1469/20	03/05/2022	<p><b>Enhanced supervision</b></p> <p><i>Judicial appointment procedure of judges to the Supreme Court involving the National Council of the Judiciary (NCJ) incompatible with the requirements of an "independent and impartial tribunal established by law" under Article 6 § 1.</i></p> <p>The Court noted under Article 46 of the Convention that one of the possibilities to be contemplated by the respondent State is to incorporate into the necessary general measures the Supreme Court's conclusions of its interpretative resolution of 2020 that, as a result of the 2017 Amending Act, the NCJ was no longer independent and that a judicial formation including a person appointed as a judge on the recommendation of the NCJ was contrary to the law.</p>



STATE	CASE	APPLICATION No.	JUDGMENT FINAL ON	NATURE OF INDICATIONS GIVEN BY THE COURT
<b>Poland</b>	<i>Dolińska-Ficek and Ozimek</i>	49868/19 and 57511/19	08/02/2022	<p><b>Enhanced supervision</b></p> <p><i>Judicial appointment procedure of judges to the Supreme Court involving the National Council of the Judiciary (NCJ) incompatible with the requirements of an “independent and impartial tribunal established by law” under Article 6 § 1.</i></p> <p>The Court noted under Article 46 of the Convention that a rapid remedial action on the part of the Polish State is required as regards the legislation which deprived the Polish judiciary of the right to elect judicial members of the NCJ and enabled the executive and the legislature to interfere directly or indirectly in the judicial appointment procedure.</p>
<b>Romania</b>	<i>Pârvu</i>	13326/18	30/11/2022	<p><b>To be classified in 2023</b></p> <p><i>Excessive use of force by police due to inadequate planning able to minimise recourse to lethal force and lack of effective criminal investigation.</i></p> <p>The Court considered that the respondent State must put an end to the situation identified in the present case and found by it to have been in breach of the Convention, concerning the right of the persons affected, such as the individual applicant, to an effective investigation into the use of the potentially lethal force by the police.</p> <p>The Court also referred under Article 46 ECHR to Resolution CM/ResDH(2021)106 in <i>Gheorghe Cobzaru</i> as well as to the Committee of Ministers’ decision in the <i>Soare and Others</i> group (CM/Notes/1406/H46-24) requesting “the authorities rapidly to make sure that (...) law enforcement operations, including those involving special intervention units, are planned and directed so as to avoid, as far as possible, the use of potentially lethal force”, noting that the cases disclose an insufficient judicial review of such investigations. Moreover, the Court referred to the recommendations issued by the CPT in its report (CPT/Inf(2022)06), according to which one “important step would be to enhance the independence as well as the thoroughness and promptness of investigations by ensuring that prosecutors have recourse to their own investigators and do not have to rely upon external police officers to carry out certain tasks”.</p>

STATE	CASE	APPLICATION No.	JUDGMENT FINAL ON	NATURE OF INDICATIONS GIVEN BY THE COURT
<b>Russian Federation</b>	<i>Taganrog LRO and Others</i>	32401/10+	07/09/2022	<p><b>Enhanced supervision</b></p> <p><i>Various violations of Jehovah's Witnesses organisations' rights over a ten-year span, including a requirement to re-register, ban of their religious literature and international website, prosecutions and confiscation of their property.</i></p> <p>With regard to individual measures, the Court held that Russia was to take all necessary measures to secure the discontinuation of the pending criminal proceedings against Jehovah's Witnesses and to release those who were in prison.</p>

### C. Article 46 § 4 – Infringement procedure

STATE	CASE	APPLICATION No.	JUDGMENT FINAL ON	NATURE OF INDICATIONS GIVEN BY THE COURT
<b>Türkiye</b>	<i>Kavala</i>	28749/18	11/07/2022	<p><b>Enhanced supervision</b></p> <p><i>Extended detention of a human rights activist accused of attempting to overthrow the government without reasonable suspicion that the applicant had had such intentions.</i></p> <p>In its 2020 <i>Kavala</i> judgment, the Court had required the respondent State to put an end to the applicant's detention and to secure his immediate release, holding that his detention pursued the ulterior purpose of silencing him and dissuading other human rights defenders. The applicant was not released. In 2022 the Court found under Article 46§4 that the respondent State had failed to fulfil its obligation under Article 46 § 1 and considered that the measures indicated by the respondent State did not permit it to conclude that the respondent State had acted in "good faith", in a manner compatible with the "conclusions and spirit" of the 2020 <i>Kavala</i> judgment, or in a way that would make practical and effective the protection of the Convention rights which the Court found to have been violated in that judgment.</p>



## VI. Further information on the execution of judgments

### A. Internet

#### HUDOC-EXEC database

**HUDOC  
EXEC**

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

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

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

#### Website of the Committee of Ministers

COMMITTEE  
OF MINISTERS  
COMITÉ  
DES MINISTRES

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

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

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



The website provides the public with various information on the work of the Committee of Ministers and DEJ, notably through the regular publication of the latest news on the supervision of cases and on the activities of the Department. Amongst other things, it includes country and thematic factsheets, interim and final resolutions, annual reports, articles on seminars, round tables, workshops, meetings, and other support activities. There is also a webpage where one may follow the payment of just satisfaction. A specific information webpage is available for NHRIs and CSOs.

In 2022, the DEJ website traffic reached around 79 000 visits (compared to 84 000 in 2021, 75 000 in 2020 and 63 000 in 2019).

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

## Social media



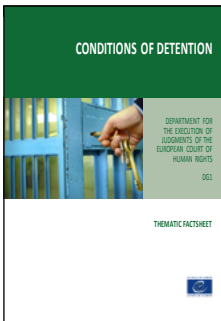
The DEJ manages the Twitter account Human Rights (DGI) providing targeted information for legal professionals, the media, and the public in general. The followers of the Twitter account increased in 2022 by approximately 20% and reached around 5 320 (compared to around 4 450 in 2021, 3 000 in 2020 and 1 600 in 2019).

The DEJ publishes the Committee of Ministers' decisions on the cases examined at the end of each HR meeting as well as information on the activities related to the execution of the European Court's judgments.

<https://twitter.com/CoEHumanRights>

## B. Publications

### Thematic factsheets



The thematic factsheets are issued by the DEJ and aim to present an overview of selected legislative, case-law and other reforms in the member States, following the European Court's judgments whose execution has been supervised and concluded by the Committee of Ministers. As the execution process in pending cases may evidence important progress, some factsheets may also include relevant pending cases.

In 2022, six new thematic factsheets were published on: *Roma and Travellers*; *Domestic Violence*; *Protection of Property*; *Personal Data Protection*; *Reopening of Domestic Judicial Proceedings following the ECHR Judgments*; *Hate Crime and Hate Speech*. Two factsheets were also updated: *Constitutional Matters* and *Freedom of Religion*.

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

### Country factsheets



The online factsheets present an overview of the main issues raised by the European Court's judgments whose execution is pending before the Committee of Ministers, with links to information on the cases' status of execution (Main Issues Pending). They also provide concise information on legislative and other reforms made by member States in the context of the execution of the European Court's judgments (Main Achievements). Country-based statistics are also available on the new webpage including a new modern, interactive tool.

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

### Closed cases



In 2022, about 317 summaries were drafted and published in the table of closed cases listing, by country, the main progress reported in the final resolutions adopted by the Committee of Ministers.

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

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

## Appendix – Glossary

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Just satisfaction** – when the Court considers, under Article 41 of the Convention, that the domestic law of the respondent State does not allow complete reparation of the consequences of this violation of the Convention for the applicant, it can award just satisfaction. Just satisfaction frequently takes the form of a sum of money covering material and/or moral damages, as well as costs and expenses incurred.

**Leading case** – case which has been identified as disclosing a problem, in law and/or practice, at national level, often requiring the adoption by the respondent State of new or additional general measures to prevent recurrence of similar violations. If this new problem proves to be of an isolated nature, the adoption of general measures, in addition to the publication and dissemination of the judgment, is not in principle required. A leading case may also reveal structural/systemic problems, identified by the Court in its judgment or by the Committee of Ministers in the course of its supervision of execution, requiring the adoption by the respondent State of new general measures to prevent recurrence of similar violations.

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

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

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

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

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

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



**Standard supervision procedure** – supervision procedure applied to all cases except if, because of its specific nature, a case warrants consideration under the enhanced procedure. The standard procedure relies on the fundamental principle that it is for respondent States to ensure the effective execution of the Court’s judgments and decisions. Thus, in the context of this procedure, the Committee of Ministers limits its intervention to ensuring that adequate action plans/reports have been presented and verifies the adequacy of the measures announced and/or taken at the appropriate time. Developments in the execution of cases under standard procedure are closely followed by the Department for the Execution of Judgments, which presents information received to the Committee of Ministers and submits proposals for action if developments in the execution process require specific intervention by the Committee of Ministers.

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

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

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



This Annual Report contains an overview of major advances and challenges recorded in the execution of the European Court's judgments and decisions in 2022. It also provides, for the first time, a country-by-country statistical overview, along with information on new, pending and closed cases, and payment of just satisfaction by respondent States.

In 2022, a year marked by the full-fledged aggression of the Russian Federation against Ukraine and the former's exclusion from the Council of Europe, the Committee of Ministers ended the supervision of the execution of 880 cases (including 200 leading cases requiring specific and often wide-ranging measures by States to prevent similar violations), following the adoption by respondent States of individual and/or general measures, including in some cases constitutional and statutory reforms. There was also a new record number of communications from civil society organisations and national human rights institutions.

Nonetheless, the number of new judgments transmitted to the Committee by the Court continued to increase significantly. Also, the complexity and sensitivity of the issues examined by the Committee continue to increase, notably in the context of inter-state cases, Article 18 cases, infringement proceedings, and various systemic, structural or complex problems that member States continue to face. This situation is compounded by the persistent problem in a number of States of insufficient capacity to take measures for the prompt, full and effective execution of the European Court's judgments.

The report recalls that a more proactive attitude is required from member States involving in particular the development of parliamentary, executive and judicial capacity to respond to the Court's case-law, including stronger and better resourced national coordination structures able to prevent and remedy violations of the Convention.

The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. The Committee of Ministers is the Council of Europe's decision-making body, composed by the foreign ministers of all 46 member states. It is a forum where national approaches to European problems and challenges are discussed, in order to find collective responses. The Committee of Ministers participates in the implementation of the European Convention on Human Rights through the supervision of the execution of judgments of the European Court of Human Rights.

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