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Committee on Legal Affairs and Human Rights

Implementation of the judgments of the European Court of Human Rights: 10th report

Information note

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1. Introduction

1. Since 2000, the Parliamentary Assembly has taken a close interest in the implementation of the judgments of the European Court of Human Rights (hereinafter “the Court”).¹ In its latest resolution on this subject – [Resolution 2178 \(2017\)](#), it decided “to remain seized of this matter and to continue to give it priority”.² Consequently, on 10 October 2017, the Committee appointed Mr Evangelos Venizelos (Greece, Socialist Group) as the fifth successive rapporteur on this subject. The previous rapporteurs were Mr Erik Jurgens (Netherlands, SOC), Mr Christos Pourgourides (Cyprus, EPP/CD), Mr Klaas de Vries (Netherlands, SOC) and Mr Pierre-Yves Le Borgn’ (France, SOC). Following Mr Venizelos’s departure from the Assembly, at its meeting in Strasbourg on 1 October 2019, the committee appointed me as rapporteur.

2. As rapporteur on this subject matter, Mr Venizelos took a number of steps in the preparation of the ~~tenth~~ 10th report on the implementation of the Court’s judgments. The committee held two hearings with experts. The first one took place in Strasbourg on 24 April 2018 with the participation of Mr Christos Giakoumopoulos, Director General at the Directorate General Human Rights and Rule of Law (DG1) of the Council of Europe, Mr Abel de Campos, Section Registrar, Registry of the European Court of Human Rights, and Mr Christos Giannopoulos, Doctor of Public Law, Lecturer at the University of Strasbourg, France. The second one was held during the committee meeting in Strasbourg on 9 October 2018 with the participation of Mr Martin Kuijer, substitute member of the European Commission for Democracy through Law (Venice Commission) (the Netherlands), Senior Legal Adviser, Ministry of Security and Justice, Professor, VU University Amsterdam, the Netherlands, and Mr George Stafford, Co-Director, European Implementation Network, Strasbourg, France.

3. Moreover, following Mr Venizelos’s proposal to hold exchanges of views with heads of national delegations of a number of countries³, the committee held four exchanges of views in 2019. During its meeting

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¹ The first report was approved by our committee on 27 June 2000; [Doc. 8808](#), rapporteur Mr Erik Jurgens. On the basis of this report, the Assembly adopted [Resolution 1226 \(2000\)](#). Since 2000, the Assembly has adopted nine reports and resolutions and eight recommendations relating to the implementation of the judgments of the European Court of Human Rights.

² [Resolution 2178 \(2017\)](#) adopted by the Assembly on 29 June 2017, paragraph 12. Reference No. 4313 of 30 May 2017.

³ At its meeting on 9 October 2018, the committee agreed to hold exchanges of views with heads of national delegations of the Russian Federation, Turkey, Ukraine, Romania, Italy, Greece, the Republic of Moldova, Bulgaria, Hungary and Azerbaijan in 2019.

in Strasbourg, on 22 January 2019, the committee held an exchange of views regarding Turkey with the participation of Mr Mustafa Yeneroğlu, member of the Turkish delegation to the Assembly and experts from the Turkish Ministry of Justice. It also held a discussion regarding Ukraine regrettably in the absence of the head of the Ukrainian delegation to the Assembly. Another series of exchanges of views took place during the committee meeting in Strasbourg on 9 April 2019. The committee then held two exchanges of views: one with Mr Zsolt Németh, head of the Hungarian delegation to the Assembly, and another one with Mr Alvis Maniero, head of the Italian delegation to the Assembly and Ms Maria Giuliana Civinini, co-agent for the Italian government at the European Court for Human Rights.⁴

4. In February 2018, the rapporteur sent a letter to national delegations asking about the state of play of implementation of Resolution 2178 (2017). The replies provided to this letter have been summarised in the appendix to this information note.

2. 9th report of the Assembly

5. The ninth report on the implementation of the judgments of the Court⁵ highlighted the progress made by some member States in implementing the Court's judgments. Nevertheless, it drew attention to the serious structural problems encountered over at least the past ten years by the 10 member States which had the largest number of non-executed judgments, according to the statistics of the Committee of Ministers at 31 December 2016: Italy, the Russian Federation, Turkey, Ukraine, Romania, Hungary, Greece, Bulgaria, the Republic of Moldova and Poland. This report also pointed out that the Committee of Ministers was still monitoring the execution of some 10 000 judgments, even if these judgments were not all at the same stage of execution. It focused on the difficulties in implementing certain judgments as a result of "pockets of resistance", which might be the result of political problems.

6. In its Resolution 2178 (2017), the Assembly "once again deplores the delays in implementing the Court's judgments, the lack of political will to implement judgments on the part of certain States parties and all the attempts made to undermine the Court's authority and the Convention-based human rights protection system".⁶ It once again calls on the States parties to the European Human Rights Convention ("the Convention") to fully and swiftly implement the Court's judgments and to co-operate, to that end, with the Committee of Ministers, the Department for the Execution of Judgments of the European Court of Human Rights, and other Council of Europe organs and bodies.⁷

7. Recommendation 2110 (2017) urges the Committee of Ministers "to use all available means to fulfil its tasks under Article 46.2 of the Convention". According to the Assembly, the Committee of Ministers should continue to strengthen synergies, within the Council of Europe, between all the stakeholders concerned, give renewed consideration to the use of the procedures provided for in Article 46, paragraphs 3 to 5, of the Convention, co-operate more closely with civil society and guarantee greater transparency in supervising the implementation of judgments.⁸

8. In February 2018, the Committee of Ministers submitted a reply to Recommendation 2110 (2017) of the Assembly, in which it referred to a number of measures taken to improve supervision of the Court's judgments' implementation in the context of the implementation of the Brussels Declaration of 2015 and to the increase in the number of closed cases.⁹ It stressed that the resources of the Department for the Execution of Judgments had increased significantly in the biennium 2016-2017. Moreover, it had started devoting part of its Human Rights DH meetings (which focus on the execution of the Court's judgments) to thematic debates to allow the representatives of member States to discuss their practices in executing judgments in specific areas (for example a debate on conditions of detention took place during the 1310th meeting in March 2018).¹⁰ On 1 June 2017, it held a debate on its 10th 2016 Report on the supervision of the execution of judgments and decisions of the European Court of Human Rights, ("2016 Annual Report"). Several speakers representing the different bodies of the Council of Europe (including the then Vice-President of the Assembly Mr René Rouquet) and the European Network of National Human Rights Institutions took part in this debate.

⁴ The information notes concerning these countries – AS/Jur(2019)02 (on Turkey and Ukraine) and AS/Jur(2019)09 (on Hungary and Italy) - have been declassified and are available at the committee website: <http://www.assembly.coe.int/nw/Page-EN.asp?LID=JurDocs>.

⁵ [Doc. 14340](#) of 12 June 2017.

⁶ Paragraph 8 of the resolution.

⁷ Paragraphs 9 and 10 of the resolution.

⁸ Paragraph 2 of the recommendation.

⁹ [Doc. 14502](#) of 16 February 2018, see in particular paragraphs 2, 5 and 7.

¹⁰ Committee of Ministers, Rapporteur Group on Human Rights, [GR-H\(2017\)8-final](#).

9. In the contribution it prepared in response to [Recommendation 2110 \(2017\)](#) of the Assembly,¹¹ the Venice Commission said that it could “usefully contribute to a better execution of the ECHR judgments”¹², as its role consisted, mainly, in drawing the national authorities’ attention to the incompatibility of a legal act or of a practice with the Convention. On several occasions, the Venice Commission has issued opinions (sometimes in co-operation with other Council of Europe departments and/or the Bureau of Democratic Institutions and Human Rights of the OSCE) on general measures adopted by the authorities with a view to executing the Court’s judgments (for example, in the context of the execution of judgments: *Vyerentsov v. Ukraine*, concerning two draft laws on the guarantees for freedom of peaceful assembly,¹³ *Oleksandr Volkov v. Ukraine* concerning a draft law amending the law relative on the judicial system and the status of judges,¹⁴ or *Bayatyan v. Armenia*,¹⁵ concerning a draft law amending the law on alternative national service). Nor should it be forgotten that the Venice Commission took a stance on the amendment to the Russian Federal Constitutional Law adopted by the State Duma on 4 December 2015 and approved by the Council of the Federation on 9 December 2015;¹⁶ according to this law, the Constitutional Court has authority to declare the decisions of international courts (including the Court) “non-executable” on the grounds that they are incompatible with the “foundations of the constitutional order of the Russian Federation” and “with the human rights system established by the Constitution of the Russian Federation”. In its final opinion on this amendment, the Venice Commission pointed out that the execution of the Court’s judgments was an unequivocal, imperative legal obligation, whose respect is vital for preserving and fostering the community of principles and values of the European continent.¹⁷ In its 2002 opinion on the implementation of the Court’s judgments, it had underlined the fact that the execution of judgments and its monitoring was not only a legal but also a political problem.¹⁸

3. New challenges and fresh progress

10. [According to the 2018 Annual Report of the Committee of Ministers](#) (“2018 Annual Report”), at 31 December 2018, 6 151 cases (at different stages of execution) were pending before the Committee of Ministers. The 10 following countries had the largest number of pending cases (from the highest to the lowest number): Russian Federation (1 585), Turkey (1 237), Ukraine (923), Romania (309), Hungary (252), Italy (245), Greece (238), Bulgaria (208), Azerbaijan (186) and the Republic of Moldova (173) they were followed by Poland (100); there are fewer than one hundred cases concerning the other member States of the Council of Europe. The overall number of judgments pending before the Committee of Ministers has considerably fallen in comparison with the end of 2016 (9 941)¹⁹ and the end of 2017 (7 587). As underlined in the 2018 Annual Report, in 2018 record numbers of cases were closed concerning the three countries with the highest volume of cases pending before the Committee of Ministers (Russian Federation, Ukraine and Turkey). In total, in 2018, the Committee of Ministers closed its supervision of 2 705 cases.²⁰

11. It is also interesting to refer to the number applications pending before the Court, whose statistics show slightly different figures from those of the Committee of Ministers. At 30 September 2019, of the 59 700 applications pending before the Court, more than two thirds came from the four following member States, i.e. the Russian Federation (25 %), Ukraine (14.2%), Turkey (13.7%) and Romania (13.3%). They were followed by Italy (5.2%), Azerbaijan (3.6 %), Serbia (2.9%), Armenia (2.9%), Bosnia and Herzegovina (2.7%) and Poland (2.1%).²¹ As my predecessor Mr Le Borgn²² already pointed out, these statistics, which concern applications on which the Court has not yet ruled, often illustrate the extent of structural problems at national level - problems which should have been resolved in the context of the execution of the Court’s judgments. In

¹¹ Venice Commission, [CDL-AD\(2017\)017](#), Comments on [Recommendation 2110 \(2017\)](#) of the Parliamentary Assembly of the Council of Europe on the implementation of the judgments of the European Court of Human Rights with a view to the Committee of Ministers’ reply, adopted at its 112th plenary session (Venice, 6-7 October 2017). It was also appended to the Committee of Ministers’ reply to Recommendation 2110 (2017), supra note 9.

¹² Paragraph 9 of the opinion.

¹³ Application No. 20372/11, judgment of 14 April 2013, see opinion of the Venice Commission [CDL-AD\(2016\)030](#).

¹⁴ Application No.21722/11, judgment of 9 January 2013, see opinion of the Venice Commission [CDL-AD\(2015\)008](#).

¹⁵ Application No.23459, judgment of 7 July 2011 (Grand Chamber), see opinion of the Venice Commission [CDL-AD\(2011\)051](#).

¹⁶ And, subsequently, signed by the President on 14 December 2015. This amendment came into force on 15 December 2015.

¹⁷ [CDL-AD\(2016\)016](#), paragraph 38.

¹⁸ [CDL-AD\(2002\)34](#), paragraph 50.

¹⁹ At the end of 2016, the 10 following countries had the largest number of pending cases Italy: (2 350), Russian Federation (1 573), Turkey (1 430), Ukraine (1 147), Romania (588), Hungary (440), Greece (311), Bulgaria (290), the Republic of Moldova (286) and Poland (225).

²⁰ See at pp. 16-17 of the 2018 Annual Report.

²¹ https://echr.coe.int/Documents/Stats_pending_month_2019_BIL.pdf

²² See paragraph 7 of its report.

addition, the reluctance of the certain States to implement and comply with Court judgments may also be related to political or social reasons.

4. “Pockets of Resistance”

12. Since the adoption of the Committee’s 9th report on 17 May 2017, the Committee of Ministers has held several DH meetings,²³ during which it continued to discuss several of the cases mentioned in Mr Le Borgn’s report. I think it would be premature at this stage to present the progress (or lack of progress) made in these cases (or groups of cases) in detail. Nevertheless, I would briefly like to summarise the decisions taken by the Committee of Ministers in cases which were presented as “pockets of resistance”. It should be noted that in most of these cases no progress has been made with regard to the execution measures required by the Committee of Ministers.

4.1. “Good Faith and Compliance Spirit”

13. With regard to the *Ilgar Mammadov v. Azerbaijan* judgment,²⁴ in which the Court held that the applicant’s detention was politically motivated and contrary to Articles 5§1c) and 18 of the Convention, after having served formal notice on the respondent State in its Interim Resolution CM/ResDH(2017)379 of 25 October 2017, on 5 December 2017 the Committee of Ministers adopted a decision to bring the matter before the Court on the basis of Article 46§4 of the Convention, by a majority vote of two-thirds (see its interim Resolution CM/ResDH(2017)429 adopted at its 1302nd meeting (DH) (5-7 December 2017)). For the first time, the Committee of Ministers made use of the infringement proceedings procedure to ask the Court whether the respondent State had refused to comply with the Court’s final judgment; the Assembly had, on several occasions, recommended recourse to this procedure. In its Resolution CM/ResDH(2017)429, the Committee of Ministers pointed out that, since its first examination of this case on 4 December 2014, it had asked the Azerbaijani authorities to take the individual measure required, i.e. to release the applicant as soon as possible. Given that Mr Mammadov remained in detention on the basis of the flawed criminal proceedings, the Committee of Ministers considered that Azerbaijan was refusing to comply with the Court’s judgment and called on the Court to rule on whether the respondent State had failed to fulfil its obligation under Article 46§1 of the Convention. Although the applicant was conditionally released on 13 August 2018, in its judgment delivered on 29 May 2019, the Grand Chamber of the Court found a violation of Article 46§1 of the Convention, as the respondent State had not acted “ (...) in “good faith”, in a manner compatible with the “conclusions and spirit” of the first Mammadov 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”.²⁵ Hence, the case was sent back to the Committee of Ministers under Article 46§5 of the Convention. The Committee of Ministers is now examining this case along with a group of cases concerning civil society activists and human rights defenders who had been subject to criminal proceedings which the Court found to constitute a misuse of criminal law, intended to punish and silence them (violations of Article 18 taken in conjunction with Article 5 of the Convention and also Article 8 in one case).²⁶ The Committee of Ministers examined these cases at its 1355th meeting (DH) (23-25 September 2019). It noted that an updated action plan had been submitted by the authorities shortly before the meeting²⁷. As regards individual measures, the Committee of Ministers underlined that Azerbaijan had to eliminate all the remaining negative consequences of the criminal charges brought against each of the applicants, in particular by quashing the convictions and deleting them from the criminal record. It noted that the government had sent all the judgments from this group for reconsideration by the Supreme Court and regretted that certain sums of just satisfaction still remained outstanding.²⁸ As regards general measures, the Committee of Ministers noted with interest the information provided by the authorities concerning the judicial reform, instructed its secretariat to prepare an analysis of it²⁹ and strongly encouraged the authorities “to continue with the adoption of effective and comprehensive measures to further enhance the independence of the judiciary and the Prosecutor’s office”.

²³ At the 1288th, 1294th and 1302nd meetings (DH).

²⁴ Application No.15172/13, judgment of 22 May 2014.

²⁵ *Proceedings under Article 46§4 in the case of Ilgar Mammadov v. Azerbaijan*, application No. 15172/13, judgment of 29 May 2019, paragraph 217.

²⁶ *Rasul Jafarov v. Azerbaijan*, application No. 69981/14, judgment of 17 March 2016; *Ilgar Mammadov (No. 2) v. Azerbaijan*, application No. 919/15, judgment of 16 November 2017; *Mammadli v. Azerbaijan*, application No. 47145/14, judgment of 19 April 2018; *Rashad Hasanov and Others v. Azerbaijan*, application No. 48653/13+, judgment of 7 June 2018 and *Aliyev v. Azerbaijan*, application No. 68762/14+, judgment of 20 September 2018.

²⁷ CM/Del/Dec(2019)1355/H46-2, paragraphs 5 and 6.

²⁸ *Ibid*, paragraph 8.

²⁹ *Ibid*, paragraph 9.

4.2. “Gravest concern on discriminatory electoral systems”

14. The judgments in the *Sejdić and Finci v. Bosnia and Herzegovina*³⁰ group concerning discrimination against persons belonging to groups other than the constituent peoples in Bosnia and Herzegovina (i.e. Bosnians, Croats and Serbs) as regards their right to stand for election to the House of Peoples and the Presidency of Bosnia and Herzegovina (violations of Article 1 of Protocol No. 12) were examined by the Committee of Ministers at its 1288th (6-7 June 2017), 1324th (18-20 September 2018) and 1348th (4-6 June 2019) (DH) meetings. Despite the fact that the CM has on several occasions called on political leaders to step up their dialogue with a view to making the necessary changes to the Constitution and to electoral legislation, no tangible information has been provided on this subject; the Committee of Ministers therefore once again expressed its concern with regard to this matter at its 1288th meeting (DH) in June 2017.³¹ In September 2018, shortly before the elections of October 2018 to the Presidency and the House of Peoples, the Committee of Ministers noted with “the gravest concern” that they would be third, following those in 2010 and 2014, “based on a discriminatory electoral system in clear violation of the requirements” of the Convention,³² and that they “constitute a manifest breach of obligations under Article 46 of the Convention and potentially undermine the legitimacy and the credibility of the country’s future elected bodies”.³³ After the October 2018 elections, it recalled that the retention of the current discriminatory election system was “in clear violation” of the requirements of the Convention and stressed “the utmost importance” of relaunching the work on the reform without delay.³⁴ It also urged the political leaders and the authorities to pursue consultations in order to bring to an end the “continuing and long-standing violation” of the country’s obligations under the Convention, before the next elections in 2020, and to speedily follow up the high level preparatory discussions engaged with the secretariat under a Human Rights Trust.³⁵

4.3. “Tangible progress as a requirement”

15. The Committee of Ministers examined several times³⁶ the *Paksas v. Lithuania* case,³⁷ concerning a violation of the applicant’s right to free elections due to the permanent and irreversible nature of his disqualification from standing for election to Parliament as a result of his removal from presidential office following impeachment proceedings conducted against him in accordance with the Constitutional Court’s ruling of 25 May 2004 and the Seimas Elections Act of 15 July 2004 (violation of Article 3 du Protocol No.1). In its Interim Resolution CM/ResDH(2018)469 of 6 December 2018, the Committee of Ministers recalled that since 2004 the applicant continued to be banned from standing for parliamentary elections and that since 2011 four successive amendment proposals had failed in the Seimas despite the government’s efforts. It expressed concern that no tangible progress had been achieved and the situation found to be in breach of the Convention still persisted and called on the authorities to redouble their efforts to achieve concrete progress at parliamentary level. At its 1355th meeting (DH) (23-25 September 2019), the Committee of Ministers expressed concern that the situation, which was considered incompatible with the Convention, remained unchanged.³⁸ However, it also took note of the Constitutional Court’s position that remedial action was also required as a matter of national constitutional law and of a new legislative proposal (Draft Law No. XIIP-3867), which appeared to provide a viable solution to remedy the violation of the Convention both at the individual and general level and which the Seimas started to consider on 24 September 2019.³⁹ It stressed the importance of the adoption of the necessary amendments before the next parliamentary elections scheduled for October 2020 and instructed its secretariat to prepare a new draft interim resolution for the next DH meeting (December 2019) in case the legislative process come to a standstill.⁴⁰

³⁰ Application No. 27996/06, judgment of 22 December 2009 (Grand Chamber).

³¹ See paragraphs 2 and 3 of its decision adopted at the 1288th (DH) meeting, CM/Del/Dec(2017)1288/H46-6. The decisions adopted by the Committee of Ministers at its DH meetings can be consulted on the [HUDOC-EXEC](#) site.

³² Decision adopted at 1324th (DH) meeting, 20 September 2018, CM/Del/Dec(2018)1324/4, paragraph 1.

³³ *Ibid*, paragraph 3.

³⁴ Decision adopted at 1348th (DH) meeting, 6 June 2019, CM/Del/Dec(2019)1348/H46-4, paragraphs 1 and 3.

³⁵ *Ibid*, paragraphs 4 and 5.

³⁶ At its 1288th (6-7 June 2017), 1310th (13-15 March 2018), 1331st (4-6 December 2018) and 1355th (23-25 September 2019) (DH) meetings.

³⁷ Application n° 34932/04, judgment of 6 January 2011 (Grand Chamber).

³⁸ Decision adopted at 1355th meeting (DH) (23-25 September 2019), CM/Del/Dec(2019)1355/H46-13, 25 September 2019, paragraph 3.

³⁹ *Ibid*, paragraphs 5, 7 and 8.

⁴⁰ *Ibid*, paragraphs 8 and 9.

4.4. “The lack of tangible progress amounting to the flagrant denial of justice”

16. At several (DH) meetings,⁴¹ the Committee of Ministers has examined the *Al Nashiri and Husayn (Abu Zubaydah) v. Poland* judgments⁴² concerning the applicants’ return to and secret detention in Poland by the CIA; the applicants were suspected of terrorist acts (multiple violations of the Convention, and in particular of Article 3 in both its substantive and procedural aspects, of Article 6§1, and, with regard to Mr Al Nashiri, also of Article 1 of Protocol No. 6). Despite the Committee of Ministers’ repeated calls concerning individual measures, the applicants’ situation remains unchanged: Mr Al Nashiri continues to face a real risk of being subjected to the death penalty and both prisoners are subjected to a flagrant denial of justice, there having been no tangible progress in the domestic investigation for more than 11 years. At its 1348th meeting (DH) (4-6 June 2019), the Committee of Ministers noted with deep regret that the Polish authorities had provided no information on any further action taken by them to seek from the United States diplomatic assurances that the applicants would not be subjected to a flagrant denial of justice and that Mr Al Nashiri would not be subjected to death penalty,⁴³ and strongly urged the Polish authorities to “deploy new efforts at the highest levels to fulfil their obligation under Article 46 of the Convention”.⁴⁴ The Committee of Ministers also considered the question of the investigation being carried out at national level and noted with interest that it also covered the crime of torture and inhuman and degrading treatment as proscribed by Article 123§2 of the Criminal Code, and that the authorities had given assurances that the offences under investigation would not become time-barred. However, the Committee of Ministers was again concerned at the lack of tangible progress and urged the authorities to redouble their efforts to complete the investigation, once again calling on the member States concerned to provide the Polish authorities with all necessary assistance to complete the investigation.⁴⁵ It also reiterated its deep regret at the persistent refusal by the United States, which has observer status with the Council of Europe, of the requests for diplomatic assurances and legal assistance, and again strongly urged the US authorities to provide the necessary assurances and assistance or to take other equivalent measures.⁴⁶ As regards general measures (i.e. strengthening supervision over the intelligence services and ensuring unhindered communication and exchange of documents with the Court), the Committee of Ministers deeply regretted the lack of progress in their adoption and urged the authorities to intensify their work in this area.⁴⁷ Finally, in light of the lack of concrete progress in the adoption of individual and general measures, it instructed its secretariat to prepare a draft interim resolution if no concrete information on these issues was provided before 1 December 2019.⁴⁸

4.5. Other developments

17. Over 13 years after the Court delivered its judgment in the case of *Hirst (No 2) v. United Kingdom*⁴⁹ concerning the blanket ban on voting by prisoners, the supervision of the implementation of the judgments from this group was finally closed by the Committee of Ministers at its 1331st meeting (DH) (4-6 December 2018). In its Resolution *CM/ResDH(2018)467* of 6 December 2018, the Committee of Ministers recalled the wide margin of appreciation in this area and noted “the administrative measures taken and in particular the changes to the policy and guidance to make it clear that two categories of prisoners who were previously effectively disenfranchised (prisoners released on temporary licence and on home detention curfew”) were now able to vote.

18. At its 1302nd (5-7 December 2017) and 1340th (12-14 March 2019) (DH) meetings, the Committee of Ministers considered the *OAQ Neftyanaya Kompaniya YUKOS v. Russia* case,⁵⁰ in which the Court held that there had been various violations of the Convention (mainly of Article 6 and Article 1 of Protocol No. 1) and allocated a total amount of 1.8 billion euros to the shareholders of the applicant company by way of just satisfaction. The Committee of Ministers is still awaiting an action plan with an indicative timetable for the payment of the just satisfaction, despite the fact that it welcomed the payment in December 2017 of the sum in respect of costs and expenses (i.e. 300 000 euros granted to the Yukos International Foundation). However, as the payment, which had been done with a delay, did not include default interest, the Committee of Ministers

⁴¹ Since the adoption of Mr Le Borgn’s report by the committee at its 1288th (6-7 June 2017), 1294th (19-21 September 2017), 1302th (5-7 December 2017), 1324th (18-20 September 2018) and 1348th (4-6 June 2019) meetings (DH).

⁴² Applications nos. 28761/11 and 7511/13, judgment of 24 July 2014.

⁴³ Decision adopted in this case at the 1348th meeting (DH), *CM/Del/Dec(2019)1348/H46-18*, paragraph 3.

⁴⁴ *Ibid*, paragraph 4.

⁴⁵ *Ibid*, paragraphs 5-7.

⁴⁶ *Ibid*, paragraph 9.

⁴⁷ *Ibid*, paragraph 11.

⁴⁸ *Ibid*, paragraph 14.

⁴⁹ Application No. 74025/01, judgment of 6 October 2005 (Grand Chamber).

⁵⁰ Application No. 14902/04, judgments of 20 September 2011 (on the merits) and 31 July 2014 (just satisfaction).

urged the Russian authorities to rapidly proceed with the payment of interest.⁵¹ Once again, it also stressed the “unconditional obligation assumed by the Russian Federation under Article 46 of the Convention to abide by the judgments” of the Court⁵², expressed “grave concern at the continued non-implementation of the remaining parts of the just satisfaction judgment” and encouraged the authorities and the secretariat to reinforce their cooperation with a view to finding solutions in this respect.⁵³ As regards the outstanding action plan, the Committee of Ministers invited the authorities to submit it for 1 December 2019.⁵⁴

19. The *Catan and others v. Russian Federation*⁵⁵ case was examined at the 1294th (19-21 September 2017), 1310th (13-15 March 2018), 1324th (18-20 September 2018) and 1340th (12-14 March 2019) (DH) meetings of the Committee of Ministers. This case concerns the violation of the right to education of 170 children or parents of children from Latin-script schools located in the Transdnistriean region of the Republic of Moldova (violation of Article 2 of Protocol No. 1). The Committee of Ministers repeatedly pointed out that in this case, according to the Court, Russia incurred responsibility under the Convention. However, according to the Russian authorities, the Court “applied its own ‘effective control’ doctrine, having attributed to Russia the responsibility for violation occurred in the territory of another state, to which the Russian authorities had no relation whatsoever, which created serious problems of practical implementation of this judgment”.⁵⁶ A series of roundtables and conferences was organised by them between 2015 and 2018, with the participation of national and foreign experts, to discuss “acceptable solutions for ways out of this situation”.⁵⁷ At its 1340th meeting (DH), the Committee of Ministers “firmly insisted” on “the unconditional obligation of every State” under Article 46 paragraph 1 of the Convention to abide by final judgments.⁵⁸ It recalled the Russian authorities’ commitment to “arrive at an acceptable response as to the execution of this judgment”, noted the explanations provided by them but expressed its regret that no such proposal had been put forward.⁵⁹ It also called on the authorities “to actively continue the constructive dialogue undertaken in co-operation with the Committee of Ministers and the Secretariat ” and to provide in September 2019 concrete proposals in the form of an action plan.⁶⁰ No information in this respect has been provided so far.

5. Conclusions and propositions

20. The Court’s case-law is an integral part of the action taken by the Council of Europe to protect democracy, the rule of law and human rights. It is now at the heart of European legal culture. The *acquis of the Assembly*, which has always highlighted the obligation for member States to implement the Court’s judgments, is considerable in this field. Even if, from the legal standpoint, this matter is above all the responsibility of the Committee of Ministers, the Assembly has shown that the monitoring it carries out in this field and the political pressure it exerts on such occasions could provide greater support for the action of the Committee of Ministers and therefore presents an added value. Consequently, as the 11th rapporteur on this subject, I will do my utmost to check how the recommendations set out in Resolution 2178 (2017) have been implemented.

21. With regard to the parameters for my report, I will follow the same methods as my direct predecessors, Mr Klaas de Vries, Mr Pierre-Yves Le Borgn’ and Mr Evangelos Venizelos, who focused respectively on the nine and ten member States with the largest number of judgments pending before the Committee of Ministers. Therefore, I intend to continue to organise the exchanges of views on the implementation of the Court’s judgments with heads of national delegations of some selected Council of Europe member States. Like Mr Le Borgn’, I will also take into account judgments showing that there are “pockets of resistance”. If need be, I will also consider making some fact-finding visits to certain member States, which I will select at a later date.

22. I would also like to refer to the issue of Protocol No.16 to the Convention, which has now come into force. Member states’ highest courts can now address requests to the Court for advisory opinions on questions of principle concerning the interpretation or the application of the rights and freedoms set out in the Convention

⁵¹ Decision adopted at the 1340th meeting (DH), CM/Del/Dec(2019)1340/H46-20, 14 March 2019, paragraph 2.

⁵² Ibid, paragraph 1.

⁵³ Ibid, paragraph 3.

⁵⁴ Ibid, paragraph 4.

⁵⁵ Application No. 43370/04, judgment of 19 October 2012.

⁵⁶ See the communication by the Russian authorities, DH-DD(2019)123 of 4 February 2019, p. 2.

⁵⁷ For more details, see the notes prepared for the 1324th meeting (DH) (18-20 September 2018), CM/Notes/1324/H46-17.

⁵⁸ Decision adopted at the 1340th meeting (DH), CM/Del/Dec(2019)1340/H46-17, 14 March 2019, paragraph 3.

⁵⁹ Ibid, paragraph 4.

⁶⁰ Ibid, paragraph 5.

or its protocols, in the context of cases pending before these courts⁶¹. This new procedure, which so far has been launched by courts from two countries (France and Armenia⁶²), will certainly have an impact on the effectiveness of the Convention-based system, for the Court's advisory opinions will help to interpret the rights guaranteed under the Convention. The entry into force of Protocol No. 16 can also provide fresh relevant elements concerning the principle of *res interpretata*, according to which States parties are invited not only to implement the judgments concerning them but also to take into account the general principles deriving from the Court's case-law, including that concerning other States parties. This matter was, of course, already examined by our committee in the report of our former colleague Mr Marie-Louise Bemelmans-Videc (Netherlands) on "Guaranteeing the authority and effectiveness of the European Convention on Human Rights" of 2012.⁶³ In its Resolution 1856 (2012),⁶⁴ based on this text, the Assembly underlined the need to strengthen the *res interpretata* authority of the Court's case-law at national level and in its Recommendation 1991 (2012),⁶⁵ it urged the Committee of Ministers "to address a recommendation to the member States calling on them to reinforce without delay, by legislative, judicial or other means, the interpretative authority (*res interpretata*) of the judgments of the European Court of Human Rights." The Committee of Ministers took note of the Assembly's wish but has not taken any action in response.⁶⁶

⁶¹ Protocol No. 16 to the Convention (ETS. No 214) entered into force on 1 August 2018. As of 23 October 2019, it has been ratified by 13 member States of the Council of Europe: https://www.coe.int/en/web/conventions/search-on-treaties/-/conventions/treaty/214/signatures?p_auth=DuTFOakF

⁶² Following a request from the French Court of Cassation, on 10 April 2019, the Court delivered its advisory opinion concerning the recognition in domestic law of a legal parent-child relationship between a child born through a gestational surrogacy arrangement abroad and the intended mother (Request no. P16-2018-001). Moreover, on 3 October 2019 it accepted a request of opinion from the Constitutional Court of Armenia concerning a provision of the Criminal Code on the reversal of constitutional order; see press release CEDH 343 (2019) of 3 October 2019.

⁶³ Doc. 12811 of 3 January 2012.

⁶⁴ Adopted on 24 January 2012, see paragraph 3.

⁶⁵ Adopted on 24 January 2012, see paragraph 2.

⁶⁶ See the Committee of Ministers reply adopted at the 1149th meeting of the Ministers' Deputies (12 September 2012), paragraph 5.

Appendix

Summary of the replies to the letter of 19 February 2018 by Mr Evangelos Venizelos (former rapporteur)

1. Introduction

1. On 19 February 2018, the former Assembly rapporteur on the implementation of the judgments of the European Court of Human Rights, Mr Evangelos Venizelos, sent a letter to the heads of all the national delegations to the Assembly. Twenty-seven replied, namely Albania, Andorra, Austria, Belgium, Cyprus, the Czech Republic, Croatia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Romania, Serbia, Slovenia, Switzerland, Turkey, Ukraine and the United Kingdom.

2. In his letter, Mr Venizelos asked the national delegations to provide information on the implementation of Assembly Resolution 2178 (2017) on “the implementation of the judgments of the European Court of Human Rights”, particularly paragraphs 9 and 10.

3. These two paragraphs read as follows:

“9. Thus, the Assembly once again calls on the States parties to fully and swiftly implement the judgments and the terms of friendly settlements handed down by the Court and to co-operate, to that end, with the Committee of Ministers, the Court and the Department for the Execution of Judgments of the European Court of Human Rights, as well as with other Council of Europe organs and bodies where applicable. For this co-operation to be fruitful, the Assembly recommends that the States parties, *inter alia*:

9.1. submit action plans, action reports and information on the payment of just satisfaction to the Committee of Ministers in a timely manner;

9.2. pay particular attention to cases concerning structural problems, especially those lasting over ten years, as well as all related cases;

9.3. provide sufficient resources to national stakeholders responsible for implementing Court judgments and encourage them to co-ordinate their work in this area;

9.4. provide more funding to Council of Europe projects that could contribute to improved implementation of Court judgments;

9.5. raise public awareness of issues relating to the Convention;

9.6. condemn any kind of political statement aimed at discrediting the Court’s authority;

9.7. strengthen the role of civil society and national human rights institutions in the process of implementing the Court’s judgments.

10. Referring to its Resolution 1823 (2011), the Assembly calls on the national parliaments of Council of Europe member States to:

10.1. establish parliamentary structures guaranteeing follow-up to and monitoring of international obligations in the human rights field, and in particular of the obligations stemming from the Convention;

10.2. devote parliamentary debates to the implementation of the Court’s judgments;

10.3. question governments on progress in implementing Court judgments and demand that they present annual reports on the subject;

10.4. encourage all political groups to concert their efforts to ensure that the Court’s judgments are implemented.”

2. Information on the implementation of the recommendations in paragraph 9 of Resolution 2178(2017)

2.1. General information

4. Several delegations provided detailed information on the specific recommendations in sub-paragraphs 9.1 to 9.7 of the resolution (see below), but some delegations did not provide any information on the subject (Austria, Belgium, Denmark, Greece, Lithuania and Romania).

5. Several delegations placed emphasis on the role of the Government Agent (Albania, Croatia, Finland, Malta and Ukraine) or another official tasked with representing the State's interests before the Court and the Committee of Ministers (Iceland). In the light of the very low number of Court judgments concerning **Andorra**, the Andorran Government does not deem it necessary to set up bodies designed exclusively for the implementation of Court judgments.

6. In **France**, the Prime Minister emphasised to the Government, in a circular of 22 September 2017, how essential it was to execute the Court's judgments and **Ukraine** adopted several specific laws setting out the responsibility of its authorities to implement Court judgments.⁶⁷

2.2. Information on the implementation of specific recommendations

7. With regard to the implementation of sub-paragraphs 9.1 to 9.7 of the resolution, here is an overview of the responses to the recommendations contained therein:

"9.1. ... submit action plans, action reports and information on the payment of just satisfaction to the Committee of Ministers in a timely manner"

8. When implementing Court judgments, most member States which replied to Mr Venizelos's letter do seem to co-operate with the Committee of Ministers, particularly by submitting **action plans and reports** on the implementation of judgments in which the Court found against them in a timely manner (Andorra, Croatia, Estonia, Finland, Germany, Malta, Serbia, Slovenia, Switzerland, Ukraine and the United Kingdom). The same applies to the transmission of information on payments of any just satisfaction awarded by the Court.

"9.2. ... pay particular attention to cases concerning structural problems, especially those lasting over ten years, as well as all related cases"

9. Some delegations mentioned general measures taken to solve structural problems revealed by Court judgments (Romania, Serbia, Slovenia, Ukraine and the United Kingdom). In **Croatia**, the Government Agent focuses in particular on any judgments given ten years or more ago which have not been implemented. In **Finland** and in **Malta**, if a Court judgment requires legislative amendments, the executive prepares proposals for amendments and tables them in Parliament.

10. The **Estonian, German and Swiss delegations** stated that their countries did not have any structural problems.

"9.3. ... provide sufficient resources to national stakeholders responsible for implementing Court judgments and encourage them to co-ordinate their work in this area"

11. Little information was provided on the resources allocated to the stakeholders responsible for the implementation of judgments. In **Croatia**, the resources allocated to the Government Agent's office are increased where necessary. The **German and Swiss delegations** said that the relevant authorities have enough human resources.

12. Some delegations provided information on interinstitutional bodies (particularly ones made up of representatives of various ministries, high level courts and sometimes also of civil society and/or members of parliament) that had been set up to improve co-operation between the various relevant authorities with regard to the implementation of Court judgments (Croatia, Czech Republic, Finland, Iceland, Slovenia and, if necessary, the United Kingdom) or other co-operation arrangements between the relevant authorities (Estonia, Serbia, Ukraine and the United Kingdom).

⁶⁷ The Law "On the implementation of the judgments and follow-up to the case law of the European Court of Human Rights", adopted on 23 February 2006; the Law "On execution procedures", adopted on 2 June 2016; and the Resolution of the Ukraine Cabinet "On the implementation of Ukrainian law", adopted on 31 May 2006.

“9.4. ... provide more funding to Council of Europe projects that could contribute to improved implementation of Court judgments”

13. Only three delegations gave answers relating to the implementation of this recommendation. In 2017, **Finland** paid a financial contribution of €140 000 to the Court and allocated funding of €20 000 to a project regarding the Court's “positive impact”. **Germany** and **Switzerland** already contribute to the Council of Europe's Human Rights Trust Fund.

“9.5. ... raise public awareness of issues relating to the Convention”

14. In most cases, the executive tries to alert the relevant authorities to the issue by making Court judgments and Council of Europe work accessible. For this purpose, it **translates and/or disseminates** judgments concerning their country to the relevant authorities (Croatia, Estonia, Finland, Germany, Switzerland and Ukraine), prepares case law studies (Croatia, Czech Republic, Estonia, Switzerland, and Ukraine) and holds training courses on the Convention for judges and other stakeholders (Croatia and Malta). Translations and explanations on Court judgments and progress in their execution are often disseminated via ministerial websites.

15. In the **United Kingdom** the Government provides financial support for the Equality and Human Rights Commission, which is tasked with raising public awareness about human rights issues and setting up other schemes to educate the public on legal affairs. In **Switzerland**, civil society plays a particular role in raising awareness. For example, the platform <https://www.humanrights.ch> or the association Notre Droit both enable the public to find out about current issues related to human rights and the Convention.

“9.6. ... condemn any kind of political statement aimed at discrediting the Court's authority”

16. Few replies were given concerning this recommendation. The **German** delegation says that it is unaware of any such statements having been made and the federal government would have condemned any incident of this type. In **Finland**, the case law of the Court has always been well received by politicians and civil society. **Switzerland** says that its official institutions fully respect the authority of the Court but that it also respects the freedom of expression of all its citizens.

“9.7. ... strengthen the role of civil society and national human rights institutions in the process of implementing the Court's judgments”

17. The role of **civil society** and **national human rights institutions** (NHRIs) in the implementation of Court judgments is not often highlighted by member States. **German** civil society is regularly involved in parliamentary activities. In **Finland**, the Ombudsman and the Human Rights Centre (which is one of the NHRIs) are notified of Court judgments concerning Finland. The Ombudsman also publishes an annual report containing summaries of Court judgments and decisions and information on the implementation of judgments concerning Finland. The Human Rights Centre's annual report also refers to the Court's recent case law. On human rights issues the government regularly co-operates with the Human Rights Centre, municipalities and organisations working to defend human rights. In **Liechtenstein**, the Association for Human Rights, which is an independent NHRI, was only set up in 2016. In **Switzerland**, civil society can play a role in the process of implementing Court judgments when, in those rare cases where legislative amendments become necessary, draft legislation is subject to external consultation whose aim is to “involve the cantons, the political parties and interested circles in determining the Confederation's position”.⁶⁸ In **Ukraine**, the Ombudsman is actively involved in various debates held by the parliament on Court judgments.

3. Information on the implementation of the recommendations in paragraph 10 of Resolution 2178(2017)

3.1. General information

18. Paragraph 10 of the resolution is aimed specifically at parliaments. Most of the replies show that a large majority of member States' parliaments are able to supervise the implementation of Court judgments through various mechanisms, although they do not always have specialised bodies to do so (see below). However, some delegations do not provide any information on the subject (Denmark and Liechtenstein). **Lithuania**, for

⁶⁸ Article 2, paragraph 1, of the Federal Law on consultation procedures.

its part, has only provided information on certain steps taken by the *Seimas* to implement the *Paksas v. Lithuania* judgment.

3.2. *Information on the implementation of specific recommendations*

“10.1. ... establish parliamentary structures guaranteeing follow-up to and monitoring of international obligations in the human rights field, and in particular of the obligations stemming from the Convention”

19. In the parliament (the Assembly) of **Albania**, the Committee on Legal Affairs, Public Administration and Human Rights, and its Sub-Committee on Human Rights, supervise the implementation of international human rights obligations including the obligations arising from the Convention.

20. In **Germany**, in the Bundestag, the Standing Committee on Human Rights and Humanitarian Aid has existed since 1998. It is responsible for supervising compliance with international obligations including those deriving from the Convention. It also examines matters relating to the functioning of the International Criminal Court and the United Nations Human Rights Committee. Several of its members are also members of the German delegation to the Assembly.

21. In the Parliament of **Andorra** (the *Consell General*), the Domestic Laws Committee deals with human rights issues.

22. In **Cyprus**, three Standing Committees of the House of Representatives – the Committee on Legal Affairs, the Committee on Human Rights and on Equal Opportunities for Men and Women and the Committee on Refugees and Enclaved, Missing or Adversely Affected Persons – monitor and follow up on the international obligations arising from the Convention.

23. In **Croatia**, the Committee on Human and National Minority Rights takes part in the parliamentary supervision of the work of the Government Agent before the Court and examines his/her annual report. It co-operates with parliamentary bodies, including those dealing with petitions, and governmental and non-governmental organisations working in the area of human rights and minority rights. It encourages the government to take the necessary measures for the execution of Court judgments.

24. In **Estonia**, there are no special bodies in the parliament (Riigikogu) to supervise the implementation of Court judgments. However, the Constitutional Committee plays a major role in the process of ratifying international treaties and examines human rights questions, particularly Court case law which may have an impact on national legislation. It also holds hearings, in which the Government Agent takes part.

25. In **France**, it is the French delegation to the Assembly in particular which is responsible for the supervision at parliamentary level of the execution of Court judgments concerning France. It exercises this role in two ways: (1) every two months the head of the delegation receives documents from the Sub-Directorate of Human Rights of the Ministry for Europe and Foreign Affairs giving a detailed report on the decisions given by the Court on applications concerning France; (2) every year the delegation itself holds hearings of French state officials to the Court and civil servants from the Ministry for Europe and Foreign Affairs to review the judgments and decisions involving France given in the preceding 12 months. It also hears members of the Government, particularly the Minister responsible for European affairs.

26. In **Greece**, the parliament has recently set up a special committee to supervise the implementation of Court judgments.

27. In **Hungary**, the parliament asks the Minister of Justice once a year to inform the Constitutional Affairs Committee and the Human Rights Committee on the implementation of Court judgments. The committees adopt reports by the minister following a debate during which members of parliament may put questions on the subject.

28. In **Iceland**, the eight standing committees are required, when examining bills, to ensure that they comply with the Constitution and Iceland's international human rights undertakings.

29. In **Luxembourg**, the Chamber of Deputies now forwards Court judgments concerning Luxembourg to the relevant parliamentary committees to ensure that there is full and effective parliamentary follow-up.

30. Although **Malta** has implemented several Court judgments through measures taken at parliamentary level, it has not demonstrated the existence of specific parliamentary mechanisms to follow up on the implementation of Court judgments.

31. In **Romania**, the two houses of the parliament – the Chamber of Deputies and the Senate – each have a Human Rights Committee, which is tasked with following up on international human rights obligations stemming from the Convention. In addition, the Chamber of Deputies' Sub-Committee on the Supervision and Execution of the Judgments of the European Court of Human Rights and the Senate's Committee on Constitutional Affairs, Civil Liberties and Supervision of the Judgments of the European Court of Human Rights have specific functions in this area. The Minister of Justice and the Government Agent take part regularly in discussions in these two parliamentary bodies.

32. In the **United Kingdom**, the Joint Committee on Human Rights, which is made up of representatives of the House of Commons and the House of Lords, deals with all human rights-related issues in the United Kingdom, including the implementation of its international obligations in the area. It regularly invites ministers to oral hearings to answer questions on the Government's behalf on annual or biannual reports on the implementation of Court judgments published by the Government. These sessions are public and transcripts of the proceedings are available on the UK parliament website. The committee also conducts research on specific human rights-related subjects and examines proposals for amendments to implement Court judgments.

33. In **Slovenia**, although the National Assembly does not, strictly speaking, have any mechanisms for systematic and ongoing supervision of the implementation of Court judgments, these matters are examined by members of parliament when they arise, particularly if they involve structural problems.

34. In **Switzerland**, the Committees for Legal Affairs of the National Council and the Council of States are responsible for questions relating to changes to Swiss legislation and hence for any amendment that is required to federal legislation, particularly any concerning the country's international human rights obligations. For this purpose, the members of these committees and the members of the Swiss delegation to the Assembly receive a quarterly compilation of all the Court judgments concerning Switzerland. Furthermore, through high parliamentary supervision, which is a political review carried out by the parliament's supervisory committee on the executive and the judiciary of the Swiss Confederation, the implementation of Court judgments can also be the subject of an inquiry. However, to date no urgent problem has ever been reported in this sphere.

35. In the Chamber of Deputies of the **Czech Republic**, human rights issues are examined in particular by the Committee on Petitions and the Committee on Constitutional and Legal Affairs. The parliament's research department, which is in regular contact with the Government Agent, prepares documentation on the Court's case law and the implementation of its judgments, for use by members of each of these committees, the Parliamentary Assembly Delegation and the Speaker's Office.

“10.2. ... devote parliamentary debates to the implementation of the Court's judgments,” and “10.3. ... question governments on progress in implementing Court judgments and demand that they present annual reports on the subject”

36. National parliaments may **hold debates** on the question of the implementation of Court judgments (Andorra, Belgium, Cyprus, Croatia, Estonia, Germany, Hungary, the Netherlands, Romania, Slovenia, Switzerland, Turkey and the United Kingdom) and **question their government** on action taken with regard to human rights obligations (Albania, Andorra, Austria, Croatia, Cyprus, Czech Republic, Estonia, Germany, Slovenia, Switzerland and Turkey). In **Switzerland** in particular, members of parliament and the Assembly delegation have repeatedly sought to exchange views with representatives of the Federal Court of Justice and the Department of Justice to determine whether there are problems or fundamental disagreements in the relations between the Court and the Swiss judicial system.

37. The **Icelandic delegation** stated that there are no special debates in parliament given over to the implementation of Court judgments. Nor has any question ever been put to the Government on this issue. However, some members of parliament, including members of the Assembly delegation, the Judicial Affairs and Education Committee and the Constitutional and Supervisory Committee, have dealt with such matters and held hearings with experts.

38. **Liechtenstein** points out that very few cases brought before the Court relate to it and there has not been an application against Liechtenstein for some years. This accounts for the almost total lack of any parliamentary discussion on Court judgments.

39. Several delegations stated that **annual reports** on the implementation of judgments concerning their state are prepared by the Government Agent (Croatia and Estonia) or the Minister of Justice (Albania, Belgium,

Germany, Hungary and the United Kingdom),⁶⁹ the Minister for Foreign Affairs (Netherlands), an interministerial group (Slovenia) or the Ombudsman (Albania), then presented to the parliament in plenary session and/or at meetings of committees dealing with human rights issues.

“10.4. ... encourage all political groups to concert their efforts to ensure that the Court’s judgments are implemented”

40. The **German** delegation stated that political groups may jointly table written questions for the Government on the implementation of Court judgments and the **Andorran** delegation pointed out that it is for each political group to decide on its own activities.

⁶⁹ In Estonia, the Minister of Justice prepares an annual report on the compliance of newly adopted legislation with the Constitution and the laws already in force. The report also takes account of questions linked to the implementation of Court judgments.