

Implementation of Judgments of the European Court of Human Rights: Opportunities and Challenges for the Rule of Law

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ehrac.org.uk



European Implementation Network (EIN)



<http://european-implementation.net/>

Oleksandr Volkov v Ukraine (2013)

‘Great Britain would very much like to leave the ECHR’ – Ukrainian Minister of Justice



Judgments in the first cases arising out of the conflict in Chechnya (2005)

Khashiyev & Akayeva v Russia – torture and extrajudicial execution

Isayeva, Yusupova & Bazayeva v Russia – indiscriminate bombing of civilians leaving Grozny by car

Isayeva v Russia – indiscriminate bombing of a village

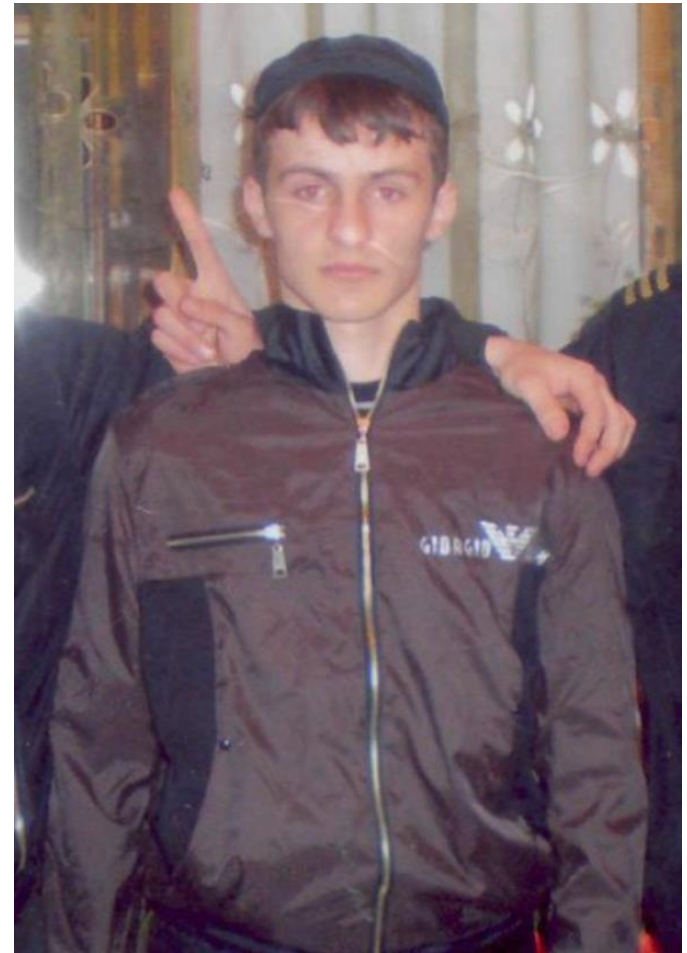


Use of lethal force by the state



Turluyeva v Russia (2013)

**Enforced
disappearances**



Article 46(4) ECHR

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

Nagorno-Karabakh

Sargsyan v Azerbaijan & Chiragov v Armenia (2015)



Sargsyan v Azerbaijan; Chiragov v Armenia (2015)

Continuing violations of Art 1 Prot 1, Art 8, Art 13

‘At the present stage, and pending a comprehensive peace agreement, it would appear particularly important to establish a property claims mechanism...allowing the applicant and others in his situation to have their property rights restored and to obtain compensation...’

Jafarov v Azerbaijan (2016)



- **Unjustified arrest and detention of human rights defender**
- **Art 18 & Art 5 ECHR**
- ‘...the actual purpose of the impugned measures was to silence and punish the applicant for his activities in the area of human rights’. [162]

The 'risks of contagion'

Nils Muižnieks (2014)

[continued non-compliance with Hirst/Greens]

‘... would send a strong signal to other member states, some of which would probably follow the UK’s lead and also claim that compliance with certain judgments is not possible, necessary or expedient. That would probably be the beginning of the end of the ECHR system’.

BBC News

**Russia passes law to
overrule European
human rights court**

4 December 2015

Roman Zakharov v Russia (2015)



Tagayeva v Russia (2017)

Beslan case

- 331 deaths (including 186 children)
- 400+ applicants
- four separate violations of Art 2 ECHR
- €3 million damages

BBC News, 13 April 2017 - *Beslan school siege: Russia 'failed' in 2004 massacre*

Russia said the ruling was "utterly unacceptable" and that it would appeal.



Tagayeva v Russia (2017)

Ella Kasayeva & Emma Tagayeva:

It is hard to overestimate the significance of the European Court of Human Rights for the Russian people. It is the only deterrence from this lawlessness. It is our only hope.

