



## Implementation of judgments of the European Court of Human Rights – an introduction

### Why does the implementation of judgments of the European Court of Human Rights matter?

Judgments of the European Court of Human Rights cover the things that we care most about: rights that protect ourselves and our fellow people. However, judgments need to be implemented in order to protect rights. The implementation of Strasbourg Court judgments has led to justice in thousands of cases. Here are a few examples:

- [Compensation for a journalist](#) who was targeted with secret surveillance and a sex tape after she exposed government corruption
- [Freedom of assembly protections after “Hyde Park” protests](#)
- Changes to protect free speech after [journalists were imprisoned for investigating fraud](#) or [convicted just for asking questions](#)
- [Criminalisation of human trafficking](#)
- [Reforms after children were taken away from their parents just because they were poor](#)

### How well are judgments of the European Court of Human Rights being implemented?

There have been [29,683 judgments from the European Court of Human Rights](#).

80% of these have been implemented: 23,683 are implemented, with 5,853 pending implementation.

Countries with poor implementation records include Azerbaijan, Russia, and Turkey.

### What is a “leading” and what is a “repetitive” judgment?

“Leading” judgments are those classified by the Council of Europe as revealing a structural or significant human rights problem. Meanwhile, “repetitive” judgments are rulings that identify a problem which has already been revealed in a leading judgment.

For example, Azerbaijani elections observer [Anar Mammadli was wrongly prosecuted and imprisoned by the government](#), as a result of his election observation activities. This is classified as a leading case, as it identifies a wider issue of politically-motivated prosecutions in the country. Additional cases of politically-motivated prosecutions, including the [detention of lawyers](#) and [democracy activists](#), were classified as repetitive cases after the leading Mammadli case.

“Leading” cases are harder to implement than repetitive cases, because they can require changes to laws or practices. Meanwhile, for a repetitive case to be implemented, there only needs to be justice for the individual applicant. For example, in Moldova a leading case concerns the need to address [domestic violence and violence against women](#). In order to be implement the leading case, Moldova will need to ensure the protection of individuals at risk from violence and change laws to ensure prosecution of perpetrators of violence. Such reforms can depend on a change of culture and naturally take time. In the meantime, victims in repetitive cases are paid compensation and protected, allowing the repetitive cases to be implemented more quickly.

The European Implementation Network concentrates on the data for leading cases, as we hope to ensure that judgments ensure the protection of human rights for all, rather than just individual applicants. However, a full account of the effectiveness of the system for the implementation of judgments of the European Court of Human Rights should reflect the implementation of both leading and repetitive cases.

### **What does “pending implementation” mean**

A case “pending implementation” may be in the course of being implemented, or it may not.

There are a very large number of cases which are “pending implementation” whilst significant reforms are ongoing – like [significant and effective reforms to help promote the independence of the judiciary and promote the rule of law in Ukraine](#).

In other cases pending implementation, there are not significant signs of progress. For example, there is the case of human rights philanthropist [Osman Kavala](#), who was locked up for his work as a human rights defender. Despite a judgment from the European Court of Human Rights calling for his release, he has not been let out – and the wider problem of politically-motivated prosecutions continues in Turkey.

### **Examples of cases from the European Court of Human Rights and their implementation**

- [A father seeking justice after the death of his trafficked daughter](#)
- [Acquittal of opposition politician](#) who had been locked up for opposing the government
- Fair trial reforms after [innocent man was sentenced to 40 years in jail](#)
- [Deadly attack on woman and her son](#) leads to ongoing reforms to combat domestic violence
- Man’s struggle leads to the [legalisation of homosexuality](#)
- [New protections for freedom of assembly](#) in Poland
- Media law changed after [columnist fined for criticising politician](#)