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**EUROPEAN COURT OF HUMAN RIGHTS' JUDGEMENTS
IMPLEMENTATION BY LOCAL AND REGIONAL AUTHORITIES:
ANALYZING ANNUAL EXECUTION REPORTS 2007–2022¹**

Problem statement and its connection with important scientific or practical tasks. The European Court of Human Rights (ECtHR) plays a pivotal role in safeguarding human rights across the Council of Europe's member states. Its judgments, often addressing systemic issues of human rights violations, hold significant implications for national and local authorities responsible for implementing them (implementation encompasses both the execution of judgments and any voluntary activities aimed at promoting and utilizing ECtHR case law). While much attention has been devoted to analyzing states' compliance with ECtHR judgments, less emphasis has been placed on the role of local and regional authorities in this process.

Not much attention is typically given to local and regional authorities when analyzing the implementation of ECtHR judgments. To test the hypothesis that they may play significant roles in certain cases, it is interesting to analyze the annual execution reports.

Since 2009, the Committee of Ministers has annually produced reports titled "Supervision of the Execution of Judgments and Decisions of the European Court of Human Rights". These reports serve as comprehensive assessments of the progress made in implementing the Court's judgments by member states of the Council of Europe.

The Execution Department of the Committee of Ministers is responsible for preparing these reports. This department plays a crucial role in overseeing the implementation of the Court's judgments, ensuring that member states fulfill their obligations under the European Convention on Human Rights. It collaborates closely with national authorities, international organizations, and other stakeholders to monitor compliance with Court decisions and address any challenges or obstacles that may arise during the execution process.

The annual reports are important for several reasons. Firstly, they provide a transparent and systematic overview of the status of execution of judgments

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across member states, highlighting areas of progress and areas requiring further attention. Secondly, they serve as a mechanism for accountability, allowing for scrutiny of member states' compliance with their obligations under the Convention. Lastly, they contribute to the ongoing dialogue and cooperation between the Council of Europe and its member states, fostering a culture of respect for human rights and the rule of law throughout the continent.

Analysis of recent research and publications, which initiated the solution of this problem and on which the author relies, highlighting previously unresolved parts of the overall problem to which the article is devoted. The doctrinal sources in this field aren't very diverse. In general, the authors who analyze the execution of the ECtHR judgements, don't mention the execution reports "Supervision of the Execution of Judgments and Decisions of the European Court of Human Rights" (see [1–6], for example). This article, therefore, exclusively relies on these reports for its analysis.

The aim of the article is to examine the frequency of references to "local," "regional," and "municipal" government in the annual reports, as well as the usage of the relevant adjectives and the citation of the ECtHR judgements, related to local and regional authorities. This analysis aims to test the hypothesis that local and regional authorities play a significant role in the realm of human rights and, consequently, in the implementation of judgments by the European Court of Human Rights (ECtHR). Statistical data collected from all available reports will be utilized to explore this hypothesis.

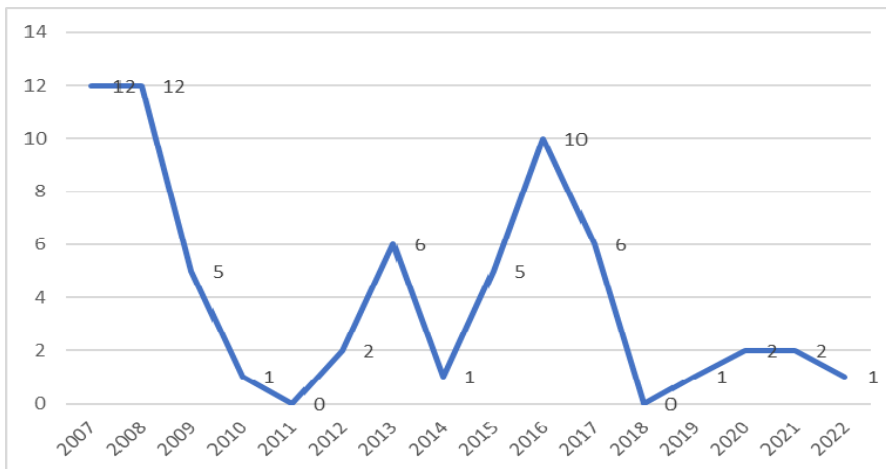
This article seeks to fill this gap by examining the implementation of ECtHR judgments by local and regional authorities, focusing on the analysis of annual execution reports. These reports, compiled by the Committee of Ministers of the Council of Europe, provide valuable insights into the progress and challenges encountered in executing ECtHR judgments at the local and regional levels.

By analyzing data from these annual reports, this study aims to shed light on the extent to which local and regional authorities comply with ECtHR judgments and the factors influencing their implementation efforts.

Furthermore, this research contributes to the broader understanding of the dynamics between supranational human rights institutions, such as the ECtHR, and local and regional governance structures. It underscores the importance of effective cooperation and coordination between national, regional, and local authorities in upholding human rights standards and ensuring the effective execution of ECtHR judgments.

Through empirical analysis and critical examination of annual execution reports, this article aims to provide valuable insights into the role of local and regional authorities in implementing ECtHR judgments, thereby contributing to scholarship on human rights enforcement mechanisms and multi-level governance systems within the Council of Europe.

The main text. As for March, 2024, there are 16 annual reports, 2007–2022 available at the Official web site of the Council of Europe. Analysing their text, the relevant information was collected and generalized in the graphs and diagrams below.



Graph 1. The frequency of mentions of ‘local authorities’ in the annual reports from 2007 to 2022

Based on the provided data, we can make several conclusions:

Firstly, about the trend over time. There seems to be fluctuation in the number of mentions of local authorities over the years. While there was a relatively high number of mentions in 2007, 2008, and 2009, there was a decline in subsequent years, with occasional spikes in certain years.

Secondly, there has been a recent increase in the number of mentions from 2016 onwards, with peaks in 2016, 2017, and 2019. This trend could indicate a growing focus on local authorities in the context of human rights issues. Since 2018, when local authorities weren’t last mentioned in the annual report, they have been consistently referenced every year.

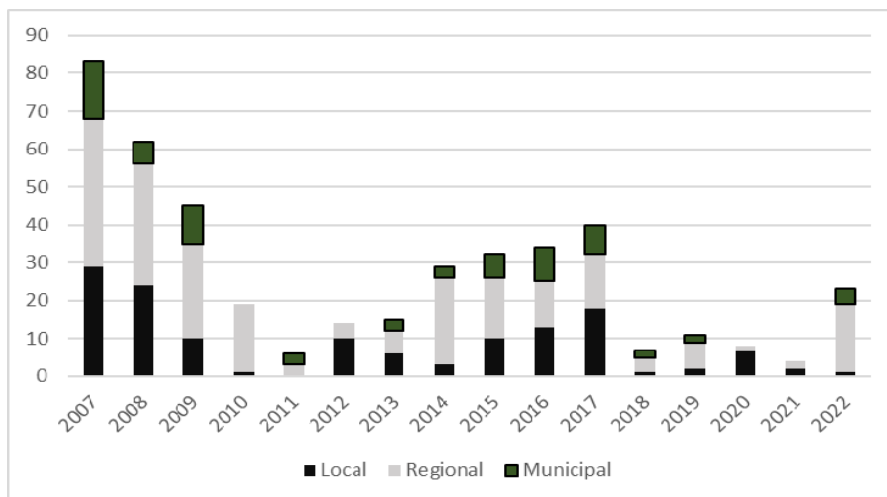
Thirdly, it is important to pay attention to the overall importance. Despite fluctuations, the consistent presence of mentions across the years suggests that local authorities are a recurring topic of discussion in the annual reports. This underscores their importance in the implementation of the ECtHR judgements.

Certainly, further analysis could delve into the reasons behind the fluctuations and peaks in mentions, such as significant legal cases or policy changes affecting local authorities during those years. However, for the purpose of this study, the focus is on providing an overview of the frequency of mentions rather than conducting deeper analyses. Therefore, let’s proceed to the next graph for a comprehensive understanding of the data.

Based on the provided graph, we can draw several conclusions.

As for the variation over time – there is noticeable variation in the frequency of mentions of these adjectives across different years. For example, in 2007 and 2008, “local” and “regional” are mentioned significantly more frequently compared to other years.

As for the consistency: despite fluctuations, the adjectives “local,” “regional” and “municipal” are consistently mentioned in the reports, indicating their



Graph 2. The frequency of usage of adjectives ‘local’, ‘regional’ and ‘municipal’ in the annual reports from 2007 to 2022

ongoing relevance in discussions related to the implementation of the ECtHR judgements.

As Graph 2 covers 3 adjectives, it is important to underline the differential focus. “Regional” appears to be the most frequently mentioned adjective across most years, followed by “local” and then “municipal”.

‘Municipal’. The adjective “local” typically refers to anything relating to or occurring within a specific locality or general area, such as a town or community. On the other hand, the adjective “municipal” specifically pertains to matters concerning the local government of a city or municipality. While both adjectives can be used to describe aspects of local governance, “municipal” is more narrowly focused on the administrative functions and policies of a specific municipal government, whereas “local” can encompass a broader range of entities or issues within a particular geographic area (see [7]).

The explanation for the infrequent usage of the adjective “municipal” lies in its limited prevalence within the official documents of the Council of Europe, particularly within the Congress of Local and Regional Authorities. For instance, the European Charter of Local Self-Government of 1985 primarily employs the term “local authorities” and does not explicitly reference concepts such as “municipal property” or “municipal services.”

Similarly, the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 does not utilize the adjective “municipal.” However, it is rather wide-spread in the documents of the Council of Europe’s bodies. For example, as of March 2024, there have been 1661 judgments by the European Court of Human Rights that include this adjective. Among these judgments, Croatia, with 343 cases, the Russian Federation, with 262 cases, and Bulgaria, with 111 cases, are the top three countries in terms of frequency. Serbia follows closely behind with 102 cases. The most common

violations cited in these judgments are related to Article 6 (619), Article 6-1 (529), and Article 8 (223). To conclude this part of the data analysis, the data on the usage of the adjective 'municipal' in ECtHR judgments highlights notable variations across countries and violations. These findings underscore the importance of further examination into the legal frameworks and practices surrounding municipal governance, particularly in countries with higher frequencies of mentions.

'Regional'. The finding that "regional" is mentioned more often than "local" in the annual reports may be explained by the broader scope and legal recognition of regional authorities within the European Charter of Local Self-Government of 1985. Article 13 of the Charter stipulates that the principles of local self-government apply to all categories of local authorities within the territory of the Party (signatory state). However, each Party has the discretion to specify the categories of local or regional authorities to which it intends to confine or exclude the scope of the Charter. Additionally, Parties may include further categories of local or regional authorities within the scope of the Charter by subsequent notification to the Secretary General of the Council of Europe.

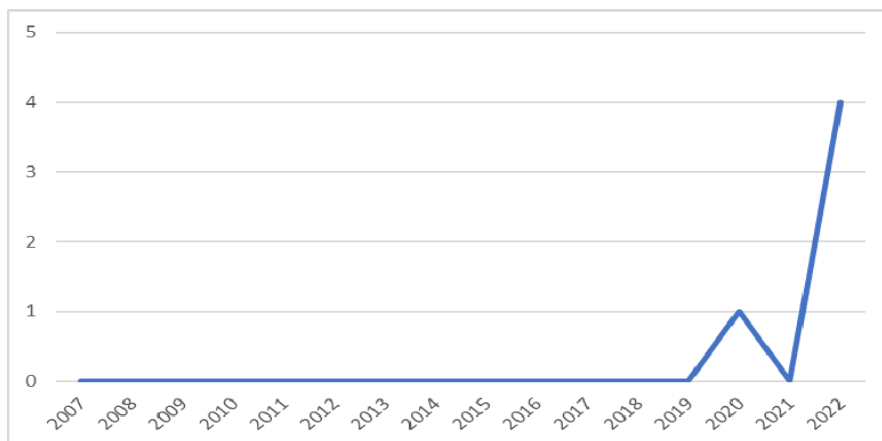
This means that while all local authorities fall within the ambit of the ECLSG, some Parties may choose to emphasize regional authorities in their implementation and reporting processes. As a result, the term "regional" may be more frequently mentioned in the annual reports due to the specific focus or recognition afforded to regional authorities by certain member states.

This suggests that regional aspects may receive more attention in the context of the researching how the ECtHR judgements are (and might be) implemented at the local level.

Based on the data presented in both graphs, it can be concluded that there is a noticeable variation in the frequency of mentions of local and regional authorities across different years in the annual reports. Despite this variation, these adjectives are consistently mentioned, indicating their ongoing relevance in discussions related to human rights implementation. Further analysis could explore the reasons behind these fluctuations and the specific roles and challenges faced by different levels of government in this context.

At last, one should pay attention to the data from the annual reports pertaining to the implementation of judgments by local and regional authorities of the European Court of Human Rights concerns the number of cases described in these reports that specifically mention the involvement of local government in the execution process.

Prior to 2020, there were no mentions of judgments, that specifically mention the involvement of local government in the execution process. However, in 2020, there was one mention, and this number increased to four mentions in 2022. This suggests a growing recognition of the role and involvement of local authorities in human rights-related issues, particularly in the implementation of judgments and decisions of the European Court of Human Rights. The increase in mentions may indicate a heightened focus on the actions and responsibilities of local authorities in addressing human rights concerns within their jurisdictions.



Graph 3. The number of judgements, that specifically mention the involvement of local government in the execution process, in the annual reports from 2007 to 2022

Further analysis could explore the specific judgements mentioned in the reports, as well as the nature of the issues addressed. Additionally, it would be valuable to investigate any factors contributing to the observed increase in mentions in recent years.

Conclusions. Based on the data presented in the graphs, there is a noticeable variation in the frequency of mentions of local and regional authorities relevant to judgments' execution across different years in the annual reports. Prior to 2020, there were no mentions of judgments specifically mentioning the involvement of local government in the execution process. However, from 2020 to 2022, there was a significant increase, with mentions rising from one to four.

This suggests a growing recognition of the role and involvement of local authorities in human rights-related issues, particularly in the execution of judgments of the European Court of Human Rights. The increase in mentions may indicate a heightened focus on the actions and responsibilities of local authorities in addressing human rights concerns within their jurisdictions. Despite fluctuations in the number of mentions, these adjectives are consistently present, underscoring their ongoing relevance in discussions related to human rights implementation. Further analysis could explore the reasons behind these fluctuations and the specific roles and challenges faced by different levels of government in this context. Additionally, examining the specific cases mentioned in the reports and the extent of potential of the local authorities, when it comes about the execution of the ECtHR judgments and using the ECtHR case law (implementation of the judgements).

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Summary

Mishyna N. V. European Court of Human Rights' judgements implementation by local and regional authorities: analyzing annual execution reports 2007–2022. – Article.

The aim of the article is to examine the frequency of references to “local,” “regional,” and “municipal” government in the annual reports, as well as the usage of the relevant adjectives and the citation of the ECtHR judgements, related to local and regional authorities. This analysis aims to test the hypothesis that local and regional authorities play a significant role in the realm of human rights and, consequently, in the implementation of judgments by the European Court of Human Rights.

Based on the data presented in the graphs, there is a noticeable variation in the frequency of mentions of local and regional authorities in relevance with the judgements' execution across different years in the annual reports. Prior to 2020, there were no mentions of judgements, that specifically mention the involvement of local government in the execution process, but from 2020 to 2022, there was a significant increase, with mentions rising from one to four.

This suggests a growing recognition of the role and involvement of local authorities in human rights-related issues, particularly in the execution of judgments of the European Court of Human Rights. The increase in mentions may indicate a heightened focus on the actions and responsibilities of local authorities in addressing human rights concerns within their jurisdictions. Despite fluctuations in the number of mentions, these adjectives are consistently present, underscoring their ongoing relevance in discussions related to human rights implementation. Further analysis could explore the reasons behind these fluctuations and the specific roles and challenges faced by different levels of government in this context. Additionally, examining the specific cases mentioned in the reports and the extent of potential of the local authorities, when it comes about the execution of the ECtHR judgments and using the ECtHR case law (implementation of the judgements).

Further analysis could explore the specific judgements mentioned in the reports, the nature of the issues addressed. Additionally, it would be valuable to investigate any factors contributing to the observed increase in mentions in recent years.

Key words: local self-government, local and regional authorities, human rights, implementation of the ECtHR judgments, execution of the ECtHR judgments, grassroots approach, municipalization of human rights.

Анотація

Мішина Н. В. Виконання постанов Європейського суду з прав людини органами місцевого та регіонального самоврядування: аналіз річних звітів про виконання 2007 – 2022 років. – Стаття.

Метою статті є дослідити частоту посилань на «місцеве», «регіональне» та «муніципальне» самоврядування, управління, органи публічної влади у річних звітах, а також використання відповідних прикметників та кількісний аналіз постанов ЄСПЛ, виконання яких було пов'язано з органами місцевого самоврядування. Цей аналіз має на меті перевірити гіпотезу про те, що органи місцевого самоврядування можуть відігравати значну роль

у виконанні постанов Європейського суду з прав людини та імплементації прецедентного права цього Суду на місцевому рівні.

Виходячи з даних, наведених на графіках, уміщених у статті, спостерігається помітна різниця в частоті згадок місцевих і регіональних органів влади, пов'язаних з виконанням постанов ЄСПЛ, за різні роки в річних звітах. До 2020 року не було жодної згадки про судові рішення, щодо яких органи місцевого самоврядування брали участь у виконавчому процесі, але з 2020 по 2022 рік відбулося значне зростання – з однієї згадки до чотирьох.

Це свідчить про зростаюче визнання ролі та участі органів місцевого самоврядування у питаннях, пов'язаних з правами людини, зокрема у виконанні постанов Європейського суду з прав людини. Збільшення кількості таких згадок може свідчити про підвищену увагу до дій органів місцевого самоврядування у вирішенні проблем з правами людини в межах їх юрисдикції. Перспективи подальших творчих розвідок у цьому напрямі полягають у дослідженні причини цих коливань, а також конкретної ролі та викликів, з якими стикаються органи місцевого самоврядування різних рівнів в цьому контексті. Крім того, вивчаючи конкретні випадки, згадані у звітах, і ступінь потенціалу місцевої влади, коли йдеться про виконання постанов ЄСПЛ та імплементації практики ЄСПЛ (тобто, більш широкий підхід). Також одним з напрямів подальшого аналізу може стати дослідження конкретних постанов ЄСПЛ, згаданих у звітах, характеру розглянутих питань. Крім того, було б корисно дослідити будь-які фактори, що сприяли спостережуваному збільшенню згадок про «місцеві», «регіональні», «муніципальні» органи тощо за останні роки.

Ключові слова: місцеве самоврядування, місцеві та регіональні органи влади, права людини, виконання постанов ЄСПЛ, підхід «знизу вгору», муніципалізація прав людини.