



JUSTICE DELAYED AND JUSTICE DENIED: NON-IMPLEMENTATION OF EUROPEAN COURTS' JUDGMENTS AND THE RULE OF LAW

Across much of the EU, the **gap between legal victories before European courts and real-world change is widening**. Non-implementation, partial implementation, and protracted delays are not isolated anomalies but entrenched patterns in several member states, and frequent feature in others. This non-compliance is also increasingly accompanied by open or implicit contestation of European courts' authority by political actors and, at times, by top national courts. The practical consequence is that serious violations of human rights and the rule of law continue for years, sometimes decades, after they have been formally recognised in Strasbourg or Luxembourg.

European Court of Human Rights State Compliance

On the ECtHR side, the picture is one of growing backlog and slowing progress. As of 1 January 2025, there were **650** leading ECtHR judgments awaiting full implementation across EU member states, up from 624 in January 2024, and 616 in the year prior. Further, **45.7 per cent** of leading judgments delivered in respect of EU states over the past ten years were still pending implementation, compared to 44 per cent at the end of 2023 and 40 per cent at the end of 2022. By end 2024, the average implementation time for leading ECtHR judgments concerning EU states has reached **5 years and 4 months**, compared to 5 years and 2 months in 2023, and 5 years and 1 month in 2022.

Overall, since the first edition of the report in 2021, **the number of pending leading judgments has increased by 8 per cent** (from 602 to 650), the share of the **open cases from the past 10 years by 24 per cent** (from 37.5 per cent to 45.7 per cent), and the **average implementation time by 23 per cent** (up by a full year, from 4 years and 4 months). This is despite the intensification of cooperation activities between the Council of Europe and respondent states to enhance domestic implementation mechanisms, and notwithstanding the improvements these have brought about in cases where the source of resistance to effective implementation is not the lack of political will.

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The increase across all three indicators is not a simple linear trend but reflects **several underlying dynamics**. Each year, the Committee of Ministers has closed fewer leading cases than it has received for supervision in respect of EU states, and it has generally been easier to close newly delivered cases than older leading judgments that identify complex or structural problems. In many of the pending cases, reforms were undoubtedly under way or partially completed by 2024; however, the persistent failure to fully resolve long-standing structural issues – often clustered around the same sensitive themes – continues to jeopardize the rule of

law in the states concerned and to generate new repetitive applications, undermining rule of law and the effectiveness of the ECHR system as a whole.

On a grimmer side, **Bulgaria, Hungary, Italy, Poland and Romania continued to be the most struggling implementers in 2024.** Romania continued to have the highest number of leading judgments pending implementation (**111**), whereas **Hungary** remained the state recording the highest rate of leading ECtHR rulings rendered in the last ten years still awaiting implementation – **74 per cent**. Concerning **Bulgaria, Hungary, Italy, Malta, Poland, Portugal, Romania and Slovakia**, over 50 per cent of the leading judgments rendered against them in the last ten years were yet to be fully implemented at the end of 2024. **Ten EU member States** (Belgium, Bulgaria, Czechia, Greece, Hungary, Italy, Lithuania, Malta, Poland and Romania) had, in 2024, cases that had been pending implementation **for more than 15 and up to 24 years**. In **two member States, Portugal and Slovakia**, the overall implementation record **worsened**, shifting from moderate to moderately poor, and from poor to problematic, respectively.

There were, however, notable positive developments. **Sweden, Austria, Denmark, Estonia, Finland, Luxembourg and Slovenia** all presented an **excellent or very good** overall implementation record at the end of 2024. **Austria, Cyprus, Finland and Germany** improved their overall implementation scores, with Finland coming close to eliminating its long-standing backlog of leading judgments within two years (from nine cases to one). **Czechia** stands out as a particularly important example: the creation of a robust execution coordination authority a few years ago and, most importantly, the consistent capacity of the latter to move beyond a defensive or “litigious” approach once a new judgment enters its implementation phase has enabled the country to weather a strong influx of new violation judgments last year while maintaining rapid implementation and a solid overall record. Finally, **Lithuania** provided in 2024 a near-ideal example of full and effective implementation of a demanding ECtHR case. In the [*Macatè*](#) judgment, concerning the censorship of a children’s book depicting same-sex relationships, all necessary measures – including legislative change brought about following the Constitutional Court’s intervention – were adopted within less than two years, illustrating what timely and comprehensive execution can look like.

Thematically, the implementation problems before the ECtHR concentrate in a few sensitive areas. The most persistent gaps concern **judicial independence and fair trial rights**, where politicised councils, flawed appointments and abusive disciplinary proceedings against judges remain unresolved. Long-standing structural violations also persist in **detention and prison conditions**, with overcrowding, poor hygiene and weak remedies affecting large groups rather than isolated individuals. Judgments **protecting vulnerable groups** – including asylum seekers, LGBTIQ+ persons, Roma children and psychiatric patients – and cases linking environmental harm to Convention rights often encounter strong political or social resistance, leading to fragmented, delayed or purely cosmetic reforms.

Why is the situation of non-compliance not getting better?

Non-compliance persists because many fundamental reforms needed to fix the problem are routinely blocked. This is despite unprecedented national and international attention to ECtHR implementation and intensified cooperation to improve national implementation mechanisms, which has produced results where lack of political will is not the primary obstacle.

Governments often avoid changes expressly, or they unduly delay them, in particular in relation to the above-mentioned thematic areas that are considered sensitive, leaving crucial legal and policy updates to stagnate. Political deadlock then locks the system in place. **In some countries, even the judiciary becomes part of the problem:** when top courts are shaped by political influence, judges can delay or obstruct implementation, shutting the door on genuine progress.

In illiberal contexts, as is the case of Hungary, **compliance is also the result of a cost-benefit analysis.** Issues that carry immediate political costs – such as restrictive minority-rights policies – **are treated as non-negotiable as they are central to the regime’s electoral appeal.** By contrast, reforms that touch upon deeper power structures – for example those concerning the independence of the judiciary – are often managed through superficial or purely symbolic changes that preserve the status quo.

What challenges does this pose to the Convention system?

Non-compliance puts the entire Convention system under real strain and threatens its important *acquis*. When governments ignore Strasbourg rulings without consequences, **it sends a message that respecting human rights judgments is optional.** This erodes the rule of law and weakens the authority of the ECtHR, leaving people unsure whether their rights will be protected in the same way across Europe. Instead of one coherent system, we get fragmented standards and uneven levels of protection from one country to the next. And **behind these systemic issues are real people:** thousands continue to suffer because the violations identified by the Court are not properly addressed.

What needs to be done to improve the situation?

Improvements requires two key elements:

- robust recommitment of the member States, in theory but also in practice, to their duty to individually and collectively (through their participation to the Committee of Ministers’ workings) ensure that the binding implementation obligations are effectively fulfilled;
- and stronger, much more decisive monitoring, that makes consistent and results-oriented use of enforcement mechanisms where non-compliance is persistent or systemic. These steps can raise the reputational and financial costs of non-compliance and incentivise States to fulfil their obligations, both at the EU and at the CoE level.

To achieve this result, our main recommendation to the competent EU and CoE bodies and member States are, among others, the following:

To the European Commission / EU institutions

- Make implementation of ECtHR and CJEU judgments a **core metric** in the Rule of Law Report, with systematic use of implementation data and clear country comparisons.
- Issue **tailored country-specific recommendations** based on ECtHR/CJEU implementation records, with particular focus on chronic underperformers (especially Bulgaria, Hungary, Poland and Romania)
- Develop a **public scoreboard** or equivalent tool tracking national follow-up to ECtHR and CJEU case law (including preliminary rulings).

- Use **enforcement tools more decisively** in cases of persistent non-implementation (infringements, follow-up under Article 260 TFEU, and, where relevant, budgetary conditionality).
- Treat serious non-implementation as a **priority topic in political dialogue** with governments and parliaments, supporting pro-reform “compliance communities”.
- Create or adapt **EU funding lines** (e.g. under CERV and other programmes) specifically to support implementation-oriented work by civil society, legal professionals and oversight bodies.

To the Council of Europe

Committee of Ministers

- Use the **full supervision and political toolbox** (enhanced supervision, interim resolutions, infringement proceedings, etc.) more robustly and consistently in response to chronic non-implementation.
- Avoid **premature closure** of complex groups of cases before underlying structural problems are demonstrably resolved in law and practice.
- Deepen **structured engagement with Ombuds institutions, NHRIs, equality bodies and NGOs**, going beyond written Rule 9 submissions.
- Increase **resources for execution work**, in particular for the Department for the Execution of Judgments and CoE cooperation projects linked to implementation.

To national authorities in EU member states

- Adopt **coherent national implementation strategies** with clear timelines, responsibilities and parliamentary oversight, instead of ad hoc, fragmented measures.
- Tackle **politically sensitive structural reforms** flagged by ECtHR/CJEU judgments (e.g. judicial independence, detention conditions, surveillance, discrimination), not just technical or cosmetic fixes.
- Safeguard **judicial independence** and support courts in consistently applying ECtHR and CJEU case law, including disapplying conflicting national norms where required.
- Create and strengthen **effective domestic remedies** (preventive and compensatory) to address recurrent violations and reduce the flow of repetitive cases to Strasbourg and Luxembourg.