| Chapter 22 |

Concluding Reflections on the Central and Eastern European Region and the European Court of Human Rights

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ABSTRACT

This chapter offers concluding reflections on the evolving relationship between Central and Eastern European (CEE) states and the European Court of Human Rights (ECtHR). Drawing on the jurisprudence of the Strasbourg Court, it examines this relationship by exploring how cases originating from the region have influenced the development of the ECtHR's jurisprudence, introducing new thematic concerns and doctrinal refinements. Through a synthesis of the jurisprudence of the Strasbourg Court, the chapter aims to identify common patterns and possible divergences in this mutual interaction and reflects the ECtHR's dual role as both a transformative force in post-transition societies and a forum responsive to the region's specific legal and social challenges.

KEYWORDS

European Court of Human Rights, Central and Eastern Europe, human rights, margin of appreciation.

1. Introduction

The collapse of the communist regimes in Central and Eastern European states in the late 1980s and early 1990s marked not only a profound political and economic transformation at the domestic level but also a pivotal moment for the development of the European human rights regime at the international level. With the accession of post-socialist countries to the Council of Europe in the 1990s and 2000s, the Convention for the Protection of Human Rights and Fundamental Freedoms – also known as the European Convention on Human Rights (ECHR)[1] – evolved from a legal instrument once limited to a handful of Western European states into a continent-wide framework for human rights protection. This expansion also raised the need for the

1 Council of Europe, 1950.

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redefinition and reinterpretation of the role of the European Court of Human Rights (ECtHR), as the guardian of human rights in a pan-European context, leading to major reforms in the Convention system and the functioning of the ECtHR.

This chapter offers concluding reflections on the evolving relationship between Central and Eastern European (CEE) states and the ECtHR.[2] It examines, first, the impact of the enlargement of the Council of Europe with the former socialist countries on the structure and jurisprudence of the ECtHR, introducing new themes and doctrinal refinements in its case law, and second, how the Strasbourg Court's evolving case law shaped the interpretation of human rights across Central and Eastern Europe through relevant pilot judgment procedures and a country-by-country analysis. The examination of the key jurisprudential patterns of cases originating from the CEE region contributes to deepening the understanding of region-specific human rights challenges as well as the role of the examined countries in the development of the ECtHR's case law and their implications for the Court's broader jurisprudence.

2. The CEE Region and the ECtHR in a Historical Context

As noted above, the 1990s and 2000s witnessed the enlargement of the Council of Europe with former socialist countries. The democratic transition, which took place in the majority of CEE states in the 1990s, marked the region's departure from decades of authoritarian rule and its reintegration into the European political and legal space. Accession to the Council of Europe was both a symbolic and strategic milestone in the democratic consolidation of CEE states, as membership required adherence to the principles of the rule of law and the enjoyment by all persons within the state's jurisdiction of human rights and fundamental freedoms.[3] In addition, members are required to collaborate sincerely and effectively in the realisation of the aim of the Council, which is to achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles that are their common heritage and facilitating economic and social progress.[4] Importantly, the ratification of the ECHR and the recognition of the compulsory jurisdiction of the ECtHR became essential components of this process.

The accession of CEE states to the ECHR was not the result of a single, unified enlargement but rather a gradual process reflecting the diverse political and legal trajectories of the states concerned. Remarkably, Hungary was the first state to sign the Convention among the examined countries in 1990, followed by the Czech Republic, Poland, and the Slovak Republic in 1991, and Bulgaria in 1992. Romania and Slovenia signed the ECHR in 1993. Although the Baltic countries do not fall under the scope of

2 The international law perspectives of the Central European region were adressed in Raisz, 2022; and the role of the ECHR in the region was analysed in Paczolay, 2022.
3 Statute of the Council of Europe, 1949, Art. 3.
4 Statute of the Council of Europe, 1949, Art. 1.

the present research, it is worth mentioning that Estonia and Lithuania also joined the Convention this year, followed by Latvia in 1995. Albania, the Republic of Moldova, North Macedonia, and Ukraine signed the Convention in the same year, followed by Croatia and the Russian Federation in 1996, the latter denouncing the treaty in 2022.[5] Georgia's signature dates back to 1999, followed by that of Armenia and Azerbaijan in 2001, Bosnia and Herzegovina in 2002, Montenegro and Serbia in 2003.[6]

Thus, the successive accessions of CEE states in the 1990s and early 2000s were not merely incremental; they fundamentally reshaped the composition of the Council of Europe. Taken together, these states account for nearly half of the organisation's current forty-six member states, underscoring the scale of the post-communist enlargement and its enduring significance for the ECHR system as a whole.

The importance of the enlargement process was marked by the first-ever meeting of the heads of state of Council of Europe Member States in 1993 in Vienna since its founding in 1949. The Vienna Declaration, adopted at the summit, provided that

> '[t]he end of the division of Europe offers an historic opportunity to consolidate peace and stability on the continent. All our countries are committed to pluralist and parliamentary democracy, the indivisibility and universality of human rights, the rule of law and a common cultural heritage enriched by its diversity, Europe can thus become a vast area of democratic security'.[7]

The document further recognised that the Council of Europe has a pre-eminent role in assisting 'the democracies of Europe freed from communist oppression' in the democratic transition, and reaffirmed the accession criteria of the Council of Europe, which entails that the applicant state has brought its institutions and legal system in line with the basic principles of democracy, the rule of law, and respect for human rights; guarantees of free and fair elections based on universal suffrage, freedom of expression, protection of national minorities and observance of the principles of international law, and the signature of the ECHR and the acceptance of its supervisory mechanism in its entirety.[8]

The enlargement of the Council of Europe was, at its core, a political process, also marked by scepticism about the pace and depth of the democratic transition in the newly acceding countries. Remarkably, Peter Leuprecht, Deputy Secretary-General of the Council of Europe, resigned from this position in 1997, based on the dilution of the standards of accession.[9] Leuprecht argued that the Council of Europe had lowered its standards for admission as part of an opportunistic policy of admitting new Member

5 For a detailed overview of the troubled relationship between the Council of Europe and the Russian Federation, see: Bates et al., 2025.
6 See: Council of Europe, 2025.
7 Vienna Declaration, 1993, Preamble, Recital 2.
8 Vienna Declaration, 1993, Recital 7.
9 Li-Jing, 2003, p. 24.

States that did not comply with these criteria.[10] Nonetheless, the enlargement certainly strengthened the legitimacy of the Convention system, as it reinforced its status as the primary human rights instrument on the continent by extending membership to CEE countries.[11]

While the arguments in favour of the enlargement process ultimately prevailed, the organisation entered a new phase of its institutional development, one that required significant structural and procedural reforms. The most emblematic of these challenges was the adoption of Protocol 11 (1998) to the ECHR, which fundamentally transformed the monitoring system by establishing a permanent Court, abolishing the European Commission on Human Rights, and granting individuals direct access to the complaint mechanism, thereby strengthening judicial capacity in the face of the increasing caseload.[12] The reform of the control mechanism of the Convention was also envisaged in the above-mentioned Vienna Declaration, noting that

> '[s]ince the Convention entered into force in 1953 the number of Contracting States has almost tripled and more countries will accede after becoming members of the Council of Europe. We are of the opinion that it has become urgently necessary to adapt the present control mechanism to this development in order to be able to maintain in the future effective international protection for human rights. The purpose of this reform is to enhance the efficiency of the means of protection, to shorten procedures and to maintain the present high quality of human rights protection'.[13]

Similarly, the Preamble of Protocol 11 also explained its adoption by the 'urgent need to restructure the control machinery [...] mainly in view of the increase in the number of applications and the growing membership of the Council of Europe'.[14]

Therefore, it can be concluded that the enlargement of the Council of Europe with CEE countries was a decisive factor in the major institutional reform of the control mechanism of the ECHR. The admission of these states in the 1990s and early 2000s marked a turning point in the organisation's history, transforming it from a Western European community to a pan-European one. Similarly, the position of the ECHR, the major human rights convention adopted under the organisation's framework, was also solidified as the primary human rights instrument in Europe. The adoption of Protocol 11 to the Convention was both a response and a consequence of this enlargement, as it replaced the former dual system of the Commission and the Court by a single European Court of Human Rights, and expanded individual access, thus marking a new era in the Court's history.

10 Leuprecht, 1998, p. 329.
11 For an overview on the accession process, see: Bates, 2010, pp. 449–463.
12 Paczolay, 2025, pp. 32–33. See also: Drzemczewski, 1999.
13 Vienna Declaration, 1993, Appendix I.
14 Protocol No. 11, 1998, Preamble.

However, it should also be emphasised that the enlargement of the Council of Europe was not the only driver of these institutional changes. The two-tier control mechanism of the Convention had been subject to debates among the Contracting States even before the regime change; the successive accessions of the 1990s intensified the discussions on the future of the Convention system.[15] The enlargement, therefore, was a catalyst for such institutional changes, strengthening the role of the Court as a 'quasi-constitutional court', as noted by Judge Rolv Ryssdal, former President of the ECtHR.[16]

3. The Development of the ECtHR's Jurisprudence through CEE Cases

3.1. CEE Cases in the Pilot Judgment Procedure

The accession of CEE states to the Convention not only prompted major institutional reforms, notably through the mentioned Protocol, but also had a profound impact on shaping the Court's jurisprudence, introducing new legal questions, themes, and challenges that became central to the Strasbourg Court's case law.[17] Therefore, the next paragraphs are dedicated to a brief overview of the key case patterns the Court faced after the accession of the examined CEE countries.

On several occasions, pilot judgments have been particularly important in addressing structural problems that affect a large number of applicants from a given country. Although the pilot judgment procedure was formally not introduced in response to cases from CEE countries,[18] it quickly proved to be highly relevant for the region, as the Court faced a surge of repetitive applications arising from systemic problems in the given states. The pilot judgment procedure, as established in Rule 61 of the Rules of the Court,[19] allows the Court to initiate a pilot judgment procedure of its own motion or at the request of the parties in cases where the facts of the application reveal the existence of a structural or systemic problem which has given rise or may give rise to similar applications.[20]

The first pilot judgment case, *Broniowski v. Poland*, originated from the CEE region, highlighting the relevance of the procedure for addressing systemic challenges

15 Seymour, 1993, pp. 252–259.

16 Ryssdal, 1996, p. 29. In addition, the Court also refers to the Convention as a 'constitutional instrument of European public order'. Although the ECtHR has an outstanding role in safeguarding human rights across Europe, it does not have formal constitutional powers. See: *Loizidou v. Turkey,* Application no. 15318/89, Judgment of 23 March 1995, para. 75. See also: Ulfstein, 2021; Greer and Wildhaber, 2013.

17 On this matter, see: Baka, 2018.

18 Nonetheless, some scholars establish a clear link between the enlargement of the Council of Europe, the increasing caseload of the Court, and the application of the pilot Judgment procedure. See, for instance, Fyrnys, 2011, pp. 1231–1233; Sadurski, 2009, p. 397. See also: Haider, 2013. On the role of the pilot Judgment procedure in the Court's jurisprudence, see: Buyse, 2016.

19 Rules of the Court, 2025.

20 See: Rules of the Court, 2025, Rule 61. See also: Degener, 2020.

emerging in the region. In this case, the structural problem originated from the deficiencies of the compensation system for Polish citizens who had been repatriated after the border adjustments in the aftermath of World War II. The deficiency affected nearly 80,000 people who did not receive a compensatory property for the properties they were forced to abandon on the territory of current Ukraine, Belarus, and Lithuania.[21] In conclusion, the Court found that the applicant's entitlement to obtain compensatory property constituted 'possessions' for the purposes of Article 1 of Protocol 1, and established a violation of the mentioned right. In addition, the Court ordered the respondent state to adopt general measures to remedy the systemic defect that established the Court's finding of a violation.[22]

Regarding the right to property, the Court received a high number of applications addressing the restitution of the properties nationalised during the communist regime. During the post-communist transition, restitution of previously nationalised property played a significant role in the privatisation or reprivatisation of the economies of CEE countries. As Emőd Veress points out, unlike its predecessors in legal history, Soviet-style nationalisation entailed expropriation that eschews well-established fundamental principles, such as the principle of just and preliminary compensation; in short, it could be explained as illegal mass expropriation.[23] The Court received a significant amount of complaints under Article 1 of Protocol 1 (the right to property); however, the temporal scope of the ECHR was a decisive factor, as the Court may not deal with applications addressing human rights violations that occurred before the respondent state was party to the Convention. Nonetheless, the Court found a violation of the right to property in cases concerning failure to respect the *res judicata* effect of a final judgment, resulting in the annulment of the applicant's property title without compensation. This was the case, for instance, in *Parvanov and Others v. Bulgaria*, in which the Court addressed protection from arbitrariness.[24] Furthermore, in the specific context of the restitution of nationalised properties in Romania, the Court found a violation of Article 6 (the right to a fair trial) for the lack of legislative coherence and the conflicting case law at the domestic level on the interpretation of certain aspects of the restitution laws in *Tudor Tudor v. Romania*.[25]

Nonetheless, the Court identified the ineffectiveness of the system of compensation or restitution as a structural problem in Romania, in cases where applicants complained of the delays in the domestic authorities' decisions on restitution or compensation for property nationalised or confiscated by the state before 1989. In the pilot judgment of *Maria Atanasiu and Others v. Romania*, the Court established the violation of the right to property, and ruled that the state had the obligation to adopt general

21 See: Szemesi, 2014, pp. 246–248.
22 *Broniowski v. Poland*, Application no. 31443/96, Judgment of 22 June 2004, para. 193.
23 Veress, 2025, p. 478.
24 *Parvanov and Others v. Bulgaria*, Application no. 74787/01, Judgment of 7 January 2010, paras. 44 and 50.
25 *Tudor Tudor v. Romania*, Application no. 21911/03, Judgment of 24 March 2009, para. 27.

measures in order to secure effective and rapid protection of the right to restitution.[26] In accordance with the pilot judgment, the Romanian Parliament adopted a law on the finalisation of the process of restitution or compensation in respect of immovable property that wrongly passed into state ownership during the communist regime, which the Court found to offer an accessible and effective framework of redress for the alleged violations in a follow-up judgment, *Preda and Others v. Romania*.[27] However, in *Valeanu and Others v. Romania*, the Court found that the restitution mechanism had fallen short of being comprehensively effective and convincingly consistent, and thus found a violation of the right to property.[28] These cases highlight the critical role of the Strasbourg Court in addressing structural flaws within the transitional period. Although serious violations persisted in the follow-up judgments as well, the Romanian pilot judgment case nonetheless proved instrumental in addressing a systemic problem to ensure the effective protection of property rights.[29]

Similar to the Romanian restitution cases, the Court also initiated a pilot judgment procedure in connection with the structural problems in the compensation system in Albania. In *Manushaqe Puto and Others v. Albania*, the applicants complained of the state's systemic failure to enforce property restitution and compensation for properties confiscated under the communist regime, violating the right to a fair trial under Article 6, the right to an effective remedy under Article 13 of the ECHR, and the protection of the property under Article 1 of Protocol 1. The Court ordered the state to take general measures to effectively secure the right to compensation within eighteen months from the date on which the judgment became final, and, as a matter of priority, to apply other alternative forms of compensation, instead of financial compensation.[30] The adequacy of the scheme introduced by Albania to address the systemic deficiency was subsequently confirmed by the Court in *Beshiri v. Albania* in 2020.[31]

Furthermore, a specific set of cases emerged from the systemic problems in the repayment scheme for foreign currency deposited before the dissolution of the Socialist Federal Republic of Yugoslavia (SFRY). The first pilot judgment procedure was initiated in *Suljagic v. Bosnia and Herzegovina*, in which the applicant complained of the failure to issue state bonds deposited in Bosnian banks after emergency measures introduced by the state following a monetary crisis in the 1980s. The restrictions

26 *Maria Atanasiu and Others v. Romania*, Application no. 30767/05, Judgment of 12 October 2010, paras. 178–194. See also: Verga, 2020, pp. 42–43.

27 *Preda and Others v. Romania*, Application no. 9584/03, Judgment of 29 April 2014, paras. 114–118.

28 *Valeanu and Others v. Romania*, Application no. 21701/16, Judgment of 8 November 2022, para. 262.

29 See also: Györgyjakab, 2025.

30 *Manushaqe Puto and Others v. Albania*, Application no. 604/07, Judgment of 31 July 2012, paras. 109–121.

31 *Beshiri and Others v. Albania*, Application no. 7352/15, Decision of 17 March 2020, para. 215. on the challenges and developments regarding the compensation scheme in Albania, see: Olldashi and Hoxha, 2023, pp. 79–82.

remained in force after the dissolution of the SFRY and the declaration of independence of Bosnia and Herzegovina, the outbreak of the Bosnian War, and the subsequent economic reforms. Considering that this case was similar to more than 1,350 applications pending at the time, the Court instituted a pilot judgment procedure and ordered the state to ensure that the government bonds were issued, outstanding instalments were paid, and that, in case of late payment, default interest was also paid.[32] Based on the adequacy of the subsequent measures, the Court considered the matter to be resolved and closed the pilot judgment procedure in *Zadric v. Bosnia and Herzegovina*.[33]

The *Suljagic* judgment was also remarkable for establishing that the 'old' foreign-currency savings constituted 'possessions' under Article 1 of Protocol 1, considering that the state had a legal duty to repay such savings in locally based commercial banks, and that the applicant had a claim amounting to a 'possession' under the mentioned provision.[34] This conclusion was confirmed in the subsequent pilot judgment of *Ališić and Others v. Bosnia and Herzegovina, Croatia, Serbia, Slovenia and 'the Former Yugoslav Republic of Macedonia'*, in which the applicants complained of the failure of the Serbian and Slovenian governments to include them in their schemes for the repayment of 'old' foreign-currency savings, similar to the *Suljagic* case. The Court considered the application of the pilot judgment procedure appropriate in this case as well, taking into account that more than 1,850 applications were pending before it, based on a similar factual background.[35] The general measures requested by the Court in the pilot judgment were found to meet the criteria in both states in the subsequent cases of *Muratovic v. Serbia*[36] and *Hodzic v. Slovenia*.[37]

The abovementioned cases demonstrate that the pilot judgment procedure became a crucial tool in addressing structural problems regarding restitution and compensation inherited from the period of democratic transition from communist regimes. Beyond the landmark case *Maria Atanasiu and Others v.* Romania, similar issues emerged in countries undergoing post-communist transitions, where unresolved restitution claims and compensation schemes generated thousands of repetitive applications. In addition, pilot judgments were made concerning 'old' foreign currency savings from the former SFRY, such as the *Suljagic* and *Ališić* cases. These judgments and the follow-up procedures demonstrated the Court's capacity to manage systemic human rights violations affecting thousands of applicants, incentivising domestic reforms. The abovementioned cases form a distinct category in the Court's

32 *Suljagic v. Bosnia and Herzegovina*, Application no. 27912/02, Judgment of 3 November 2009, paras. 63–65.
33 *Zadric v. Bosnia and Herzegovina*, Application no. 18804/04, Decision of 16 November 2010.
34 *Suljagic v. Bosnia and Herzegovina*, Application no. 27912/02, Judgment of 3 November 2009, paras. 34–36.
35 *Ališić and Others v. Bosnia and Herzegovina, Croatia, Serbia, Slovenia and 'the Former Yugoslav Republic of Macedonia*, Application no. 60642/08, 16 July 2014, paras. 62–64; paras. 96–101. See also: Petrov and Plavšić, 2025, p. 469.
36 *Muratovic v. Serbia*, Application no. 41620/07, Decision of 21 March 2017, paras. 17–20.
37 *Hodzic v. Slovenia*, Application no. 3461/08, Decision of 4 April 2017, paras. 20–23.

jurisprudence: while other pilot judgments have addressed issues affecting a wider range of states, as presented below, also including Western European states, property restitution and currency deposit disputes were specific to the post-communist transition of CEE countries.

Other sets of pilot judgments relevant for the region concerned inhuman or degrading conditions of detention, and the excessive length of proceedings and the lack of a domestic remedy. Therefore, the following paragraphs will be dedicated to a short overview of the key pilot judgments affecting CEE countries.

The inhuman or degrading conditions of detention have been subject to several pilot judgment cases, starting with *Ananyev and Others v. Russia* in 2012. Systemic problems were further identified with the Bulgarian, Hungarian, Romanian, and Ukrainian prison systems, particularly with the conditions of detention. In the pilot judgment of *Neshkov and Others v. Bulgaria*, the complaint specifically concerned the remedies for those prisoners who wished to challenge their detention conditions.[38] However, as of September 2025, the Court had not closed the follow-up procedure.[39] Furthermore, in *Varga and Others v. Hungary*, the applicants complained of inadequate prison conditions, such as the lack of personal space, restrictions on access to shower facilities and outdoor activities, and a lack of privacy when using sanitary facilities. The Court considered that such breaches originated in a widespread problem regarding the safeguards of the Hungarian prison system, supported by approximately 450 similar applications filed to the Court at that time.[40] Regarding the general measures ordered by the Court to address the situation, the Hungarian Parliament adopted a new law and further action plans, which the Court considered satisfactory to provide redress for the violations of the prohibition of inhuman or degrading treatment originating in prison overcrowding and other unsuitable detention conditions in Hungary.[41]

Furthermore, overcrowding and the material conditions of the detention were addressed in *Rezmives and Others v. Romania*.[42] The ECtHR issued a pilot judgment to address these systemic problems and required Romania to implement general measures to improve detention conditions, which were later addressed in *Polgar v. Romania*[43] and *Vlad v. Romania*.[44] In addition, the conditions of pre-trial detention were challenged in *Sukachov v. Ukraine*; however, the Court has not found the situation to be resolved.[45] The human rights guarantees of the conditions of detention have been subject to an extensive case law in the Strasbourg Court's jurisprudence,

38 *Neshkov and Others v. Bulgaria*, Application no. 36925/10, Judgment of 27 January 2015, paras. 9–70.
39 Pilot Judgments, 2023, p. 14.
40 *Varga and Others v. Hungary*, Application no. 14097/12, Judgment of 10 March 2015, paras. 114–116.
41 See: *Domján v. Hungary*, Application no. 5433/17, Decision of 14 November 2017, paras. 19–30.
42 *Rezmives v. Romania*, Application no. 61467/12, Judgment of 25 April 2017.
43 *Polgar v. Romania*, Application no. 39412/19, Judgment of 20 July 2021.
44 *Vlad v. Romania*, Application no. 40752/15, Judgment of 5 July 2022.
45 Pilot Judgments, 2023, p. 18.

as a key challenge under Article 3 of the Convention.[46] However, as noted above, this challenge is not region-specific, as the Court also identified it as a structural and systemic problem in *Torreggiani and Others v. Italy*[47] and *W.D. v. Belgium*.[48] In addition, other pilot judgment cases, such as *Kurić and Others v. Slovenia, Wałęsa v. Poland, Olaru and Others v. the Republic of Moldova, and Yuriy Nikolayevich Ivanov v. Ukraine* illustrate human rights issues specific to the given country, thus they will be discussed in the section on the country-by-country analysis.

Similarly, the excessive length of proceedings and the lack of domestic remedies can also be considered as an enduring issue affecting the right to a fair trial and the right to an effective remedy. The pilot judgments from the CEE region included *Dimitrov and Hamanov v. Bulgaria and Finger v. Bulgaria,*[49] *Rutkowski and Others v. Poland*,[50] and *Gazsó v. Hungary.*[51] Systemic deficiencies regarding the length of judicial proceedings were also pointed out in connection with Germany, Greece, or Turkey.[52] Additionally, the systemic problems regarding the right to a fair trial are also shown in the statistics of the Court, in particular, by the fact that most violations are found under Article 6 of the Convention.[53]

Taken together, these examples demonstrate that pilot judgments concerning detention conditions and the excessive length of proceedings addressed structural deficiencies common across Europe, and do not necessarily represent region-specific human rights challenges. Nonetheless, based on the above analysis, it can be concluded that the ECtHR's jurisprudence had a transformative impact on the domestic legislation in the Contracting States. Ultimately, the case law examples show that the pilot judgment procedure became not merely a procedural tool in the Court's control mechanism but a central element in its responses to systemic human rights challenges, within and beyond the CEE region.

3.2. Country-specific Cases in the ECtHR's Jurisprudence

Having examined the pilot judgments that have played a central role in the Court's engagement with structural human rights issues in the CEE region, the analysis now proceeds to complement this regional perspective with a country-specific approach.

46 Pasat, 2022, pp. 200–203.
47 *Torreggiani and Others v. Italy,* Application no. 43517/09, Judgment of 8 January 2013.
48 *W.D. v. Belgium,* Application no. 73548/13, Judgment of 6 September 2016.
49 *Dimitrov and Hamanov v. Bulgaria,* Application no. 48059/06, Judgment of 10 May 2011. *and Finger v. Bulgaria,* Application no. 37346/05, Judgment of 10 May 2011.
50 *Rutkowski and Others v. Poland,* Application no. 72287/10, Judgment of 7 July 2015.
51 *Gazsó v. Hungary,* Application no. 48322/12, Judgment of 16 July 2015.
52 The pilot Judgment procedure was adopted in cases addressing the excessive length of proceedings in *Rumpf v. Germany,* Application no. 46344/06, Judgment of 2 September 2010; *Athanasiou and Others v. Greece,* Application no. 50973/08, Judgment of 21 December 2010; *Ümmühan Kaplan v Turkey,* Application no. 24240/07, Judgment of 20 March 2012; *Michelioudakis v. Greece*, Application no. 54331/10, Judgment of 3 April 2012; *Glykantzi v. Greece*, Application No. 40150/09, Judgment of 30 October 2012.
53 European Court of Human Rights, 2024, p. 110; 2025, p. 36.

To shed further light on the ECtHR's jurisprudence on the region, the following section turns to a country-by-country overview of the Court's case law. This perspective helps to identify typical human rights challenges that emerge in the examined countries and to reveal regional patterns and emerging trends within the Court's jurisprudence for Central and Eastern Europe. The country-by-country overview will follow the chronology of each state's accession to the Convention, reflecting the historical expansion of the Convention system across the region.

3.2.1. Hungary

As noted above, Hungary was the first CEE country to sign the Convention in 1990, which became effective in 1992.[54] The first judgment delivered by the ECtHR concerning the country was *Rekvényi v. Hungary,* adopted in 1999. The case addressed freedom of expression (Article 9) and freedom of assembly (Article 10) in the context of a prohibition on members of the police forces from joining political parties. The Court considered the country's experience with a totalitarian regime that relied on the political commitment of the members of the police to the ruling party, and the significance of depoliticising the police as a guardian of democratic institutions as decisive factors in establishing that the restrictions pursued a legitimate aim, and thus did not find a violation of the Convention.[55]

Furthermore, a judgment of major importance was *Ilias and Ahmed v. Hungary,* adopted in 2019 by the Grand Chamber. This judgment is notable for establishing general principles for cases involving the removal of asylum seekers to third countries, without the authorities of the removing states assessing the merits of the asylum claim. The Grand Chamber found a breach of the prohibition of torture, inhuman or degrading treatment (Article 3) on procedural grounds; however, it overruled the point in the Chamber judgment that found a violation of the right to liberty (Article 5) for the holding of asylum-seekers in the so-called 'transit zone' between Hungary and Serbia, concluding that the applicants had not been deprived of their liberty.[56]

In addition, a recent Hungarian case of major importance for the ECtHR's case law is *Karsai v. Hungary,* adopted in 2024. The case concerned end-of-life decisions and the alleged violation of the right to respect for private and family life (Article 8) in the case of a terminally ill person seeking to be assisted in dying with dignity. The Court confirmed its earlier case law on assisted dying, as established in *Pretty v. the United Kingdom*,[57] and left a 'considerable margin of appreciation' in the matter, considering that it raises extremely sensitive moral and ethical questions, on which opinions may profoundly differ across European countries.[58] Although the Court's approach in cases involving Article 8 may significantly change over time, the *Karsai* case will

54 For an overview of Hungary's engagement with the ECHR, see: Szabó, 2025.
55 *Rekvényi v. Hungary,* Application no. 25390/94, Judgment of 20 May 1999, paras. 44–50; 58–62.
56 *Ilias and Ahmed v. Hungary,* Application no. 47287/15, Judgment of 21 November 2019, paras. 231–250.
57 *Pretty v. the United Kingdom,* Application no. 2346/02, Judgment of 29 April 2002.
58 *Karsai v. Hungary,* Application no. 5380/07, Judgment of 1 December 2009, para. 144.

certainly be a starting point for subsequent deliberations on the limits of Article 8 in this context.

3.2.2. The Czech Republic, Slovakia, and Poland

The Czech Republic, Slovakia, and Poland signed the ECHR in 1991, and the Convention entered into force for each of them in 1993. The first two countries formed the Czech and Slovak Federal Republic at the time the Convention was signed, which was later dissolved and succeeded by the two independent countries.[59]

One of the most notable cases concerning the Czech Republic was arguably *D.H. and Others*, adopted in 2007 by the Grand Chamber. The applicants in the case were Roma children, arguing that disproportionately placing them in 'special schools' amounted to a violation of the prohibition of discrimination (Article 14), in conjunction with the right to education (Article 2 of Protocol 1). The Grand Chamber reversed the Chamber's ruling and found a breach of the mentioned provisions, considering that there had been an indirect form of discrimination.[60] The judgment is particularly relevant for the region, as it was a significant point of reference for further Roma segregation cases, such as *Oršuš and Others v. Croatia,*[61] *Horváth and Kiss v. Hungary,*[62] and more recently, *Szolcsán v. Hungary,*[63] recognising the specifically disadvantaged and vulnerable situation of the Roma minority in the historical context.

Furthermore, *Vavřička and Others v. Czech Republic* is remarkable for being the first judgment in which the ECtHR ruled on the question of compulsory vaccination. Adopted in 2021 by the Grand Chamber, the case shed a different light on mandatory vaccination in the context of the COVID-19 pandemic, although the vaccination in question was related to other diseases, such as poliomyelitis, hepatitis B, and tetanus. The Court concluded that there is a general European consensus on the objective of attaining the highest possible degree of vaccine coverage on the continent, and found no violation of Article 8 for imposing a vaccination mandate on children.[64]

Regarding Slovakia, a judgment of key importance is *Kontrová v. Slovakia*, adopted in 2007. The case represents one of the first occasions when the ECtHR acknowledged a violation of the right to life (Article 2) due to the state's failure to protect individuals from domestic violence. The Court built on an earlier judgment on the matter, *Osman v. the United Kingdom*, which established a test for assessing whether the authorities ought to have known at the time the existence of a real and immediate risk to the life of an individual from a private party,[65] in which, however, the Court did not find a

59 For an overview of the Czech Republic's engagement with the ECHR, see: Grygar, 2025. For an analysis regarding Slovakia's engagement, see: Szinek-Csütörtöki, 2025.

60 *D.H. and Others v. the Czech Republic*, Application no. 57325/00, Judgment of 13 November 2007, paras. 205–210.

61 *Oršuš and Others v. Croatia*, Application no. 15766/03, Judgment of 16 March 2010.

62 *Horváth and Kiss v. Hungary*, Application no. 11146/11, Judgment of 29 January 2013.

63 *Szolcsán v. Hungary*, Application no. 24408/16, Judgment of 30 March 2023.

64 *Vavřička and Others v. the Czech Republic*, Application no. 47621/13, Judgment of 8 April 2021.

65 *Osman v. the United Kingdom*, Application no. 23452/94, Judgment of 28 October 1998, para. 116.

violation. The Court significantly built on the *Kontrová* judgment in *Opuz v. Turkey*, a key judgment establishing gender-based discrimination in domestic violence.[66]

The individual complaint mechanism of the Strasbourg Court has been extensively used in connection with the Polish legal system.[67] Cases, such as *Proszak v. Poland*, contest the ineffective justice system and the excessively lengthy court proceedings, problems largely inherited from the communist era.[68] The ECtHR also examined judicial appointments and the effective operation of judicial mechanisms after major reforms of the Constitutional Tribunal and the Supreme Court. In *Xero Flor w Polsce sp. z o.o. v. Poland*, the ECtHR assessed the constitutionality of the appointment of a constitutional judge, thus interpreting domestic constitutional norms under the right to a fair trial (Article 6).[69] Furthermore, in *Wałęsa v. Poland*, a pilot judgment adopted in 2023, the ECtHR found a violation of Article 6 concerning the right to an independent and impartial tribunal, *inter alia*, and pronounced the incompatibility of the extraordinary appeal procedure with the principle of legal certainty.[70] These judgments highlight the politically challenged rule-of-law discourse surrounding the interaction between Poland and supranational courts.

In addition to systemic issues relating to the judiciary, the Strasbourg Court had ruled on reproductive rights concerning Poland in the cases of *Tysiąc v. Poland, R.R. v. Poland*, and *P. and S. v. Poland*. *Tysiąc* was the first landmark abortion-related case against Poland before the ECtHR, holding that the lack of an effective domestic procedure for determining whether the legal conditions for an abortion were met amounted to a violation of Article 8. Notably, the Court did not rule on the existence of the right to have an abortion but addressed procedural guarantees in the case of a woman whose eyesight severely deteriorated as a result of pregnancy.[71] Furthermore, in *R.R.*, the Court pronounced the violation of Article 3 and Article 8 for the lack of effective access to her right to have an abortion.[72] Similarly, in *P. and S. v. Poland*, the applicant also complained of the inaccessibility of the right to have an abortion that she was entitled to, as the pregnancy was the result of rape. The judgment was groundbreaking for establishing the guarantees of sexual and reproductive rights of adolescents.[73] These judgments, taken together with *Xero Flor,* brought significant implications for the Court's further jurisprudence on reproductive rights, such as in case *M.L. v. Poland*[74] and *A.R. v. Poland*.[75]

66 *Opuz v. Turkey*, Application no. 33401/02, Judgment of 9 June 2009.
67 For an overview of Poland's engagement with the ECHR, see: Tabaszewski, 2025.
68 *Proszak v. Poland*, 1997. See also: *Iłowiecki v. Poland,* Application no. 27504/95, Judgment of 4 October 2001; *Rutkowski and Others v. Poland,* Application no. 72287/10, Judgment of 7 July 2015.
69 *Xero Flor w Polsce sp. z o.o. v. Poland*, Application no. 4907/18, Judgment of 7 May 2021.
70 *Wałęsa v. Poland*, Application no. 50849/21, Judgment of 23 November 2023.
71 *Tysiąc v. Poland*, Application no. 5410/03, Judgment of 20 March 2007, para. 116.
72 *R.R. v. Poland*, Application no. 27617/04, Judgment of 26 May 2011.
73 *P. and S. v. Poland*, Application no. 57375/08, Judgment of 30 October 2012.
74 *M.L. v. Poland*, Application no. 40119/21, Judgment of 14 December 2023.
75 *A.R. v. Poland*, Application no. 43216/17, Judgment of 13 November 2025.

3.2.3. Bulgaria, Slovenia, and Romania

Bulgaria signed the ECHR in 1992, entering into force for the country in the same year,[76] followed by Slovenia[77] and Romania,[78] which signed in 1993, and saw the Convention enter into force in 1994.

The most prominent litigation concerns the group of cases brought by United Macedonian Organisation Ilinden and other associations, which sought official registration and recognition of Macedonian-minority associations. In the landmark cases *United Macedonian Organisation Ilinden and Others v. Bulgaria*,[79] the Court found a violation of the freedom of association (Article 11), ruling that Bulgaria's refusal to register the association, solely on the ground that it aimed to represent the interests of persons with Macedonian identity, constituted unjustified interference. Subsequent judgments similarly condemned repeated refusals to register Macedonian organisations as violating the Convention,[80] stemming from Bulgarian authorities' refusals to register associations seeking the recognition of the Macedonian minority in Bulgaria. Notwithstanding the longstanding judicial scrutiny, these cases continue to represent a highly sensitive and divisive issue in Bulgarian domestic politics, as authorities have yet to fully comply with the Court's rulings.

Regarding Slovenia, a structural problem was identified in *Kurić and Others v. Slovenia*, a pilot judgment adopted by the Grand Chamber in 2012. The group of applications related to compensation claims brought by the 'erased', individuals who had previously been nationals of the SFRY and lost their permanent resident status following Slovenia's independence in 1991, either because they failed to apply for Slovenian citizenship within the prescribed deadline or because their applications were rejected. The Court found a violation of the right to respect for private and family life (Article 8), the right to an effective remedy (Article 13), and the prohibition of discrimination (Article 14), and ordered Slovenia to set up a compensation scheme for the 'erased' within one year.[81] The pilot judgment procedure was closed in 2016, considering that it was no longer justified following the adoption of the judgment of *Anastasov and Others v. Slovenia*.[82]

76 For an overview of Bulgaria's engagement with the ECHR, see: Marcheva, 2025.
77 For an overview of Slovenia's engagement with the ECHR, see: Flander, 2025.
78 For an overview of Romania's engagement with the ECHR, see: Kovács, 2025.
79 *United Macedonian Organisation Ilinden and Others v. Bulgaria (no. 2)*, Application no. 34961/04, Judgment of 18 October 2011; *United Macedonian Organisation Ilinden and Others v. Bulgaria (no. 3)*, Application no. 59441/12, Judgment of 11 January 2018; *United Macedonian Organisation Ilinden and Others v. Bulgaria*, Application no. 59491/00, Judgment of 19 January 2006.
80 See, for instance, *Yordan Ivanov and Others v. Bulgaria*, Application no. 70502/13, Judgment of 11 January 2018.; *Vasilev and Society of the Repressed Macedonians in Bulgaria Victims of the Communist Terror v. Bulgaria*, Application no. 23702/15, Judgment of 28 May 2020; *Macedonian Club for Ethnic Tolerance in Bulgaria and Radonov v. Bulgaria*, Application no. 67139/13, Judgment of 28 May 2020.
81 *Kurić and Others v. Slovenia*, Application no. 26828/06, Judgment of 26 June 2012.
82 *Anastasov and Others v. Slovenia*, Application no. 65020/13, Decision of 18 October 2016.

Romania has also been involved in two pilot judgment cases involving property restitution and the conditions of detention. The significance of the judgment in *Spasov v. Romania,* adopted in 2022, is profound for understanding the consideration of European Union (EU) law under the ECHR, particularly through the right to a fair trial. The case concerned a Bulgarian-flagged vessel whose captain and owner, the applicant, was convicted by Romanian courts of illegal fishing in Romania's Exclusive Economic Zone (EEZ) in the Black Sea. The national courts built their decision on Romanian domestic law, even though EU law was directly applicable and should have prevailed. The ECtHR held that the conviction of the applicant, despite the applicable EU law, constituted a 'manifest error of law', amounting to a denial of justice, and a violation of Article 6.[83] The judgment further strengthens the relationship between EU law and the ECHR, and opens the door for individuals to challenge the misapplication of EU law in national courts through human rights claims. This is particularly relevant for Contracting Parties that have joined the EU, where EU law forms part of the domestic legal order, illustrating that the ECtHR recognises the primacy and direct effect of EU law.

3.2.4. Albania, the Republic of Moldova, North Macedonia, and Ukraine

Albania and Moldova signed the ECHR in 1995, followed by North Macedonia and Ukraine later that year. The Convention entered into force in 1996 for Albania and in 1997 for the other three countries.

Concerning Albania, the ECtHR's case law is dominated by complaints regarding the right to a fair trial (Article 6) and the right to an effective remedy (Article 13), in addition to restitution cases analysed in the context of the pilot judgment procedure.[84] Further cases, such as *Marini v. Albania*[85] and *Meli and Swinkels Family Brewers N.V. v. Albania,*[86] addressed access to the constitutional court, while *Xhoxhaj v. Albania*[87] and *Besnik Cani v. Albania*[88] focused on the human rights aspects – particularly under Articles 6 and 8 – of the vetting process of judges and prosecutors, raised by those who have been removed from their positions.

So far, there has been one pilot judgment procedure against Moldova, in *Olaru and Others v. the Republic of Moldova*. The case concerned structural problems stemming from the non-enforcement of social housing privileges due to the chronic lack of funds available to local governments.[89] Following the pilot judgment, Moldova reformed its legislation by introducing a new domestic remedy against the non-enforcement of final domestic judgments and the unreasonable length of proceedings. In addition, a

83 *Spasov v. Romania*, Application no. 10629/14, Judgment of 6 December 2022, para. 97.
84 For an overview of Albania's engagement with the ECHR, see: Alimehmeti, 2025.
85 *Marini v. Albania*, Application no. 3738/02, Judgment of 18 December 2007.
86 *Meli and Swinkels Family Brewers N.V. v. Albania*, Application no. 23050/15, Judgment of 16 July 2024.
87 *Xhoxhaj v. Albania*, Application no. 15227/19, Judgment of 9 February 2021.
88 *Besnik Cani v. Albania*, Application no. 37474/20, Judgment of 4 October 2022.
89 *Olaru and Others v. the Republic of Moldova*, Application no. 476/07, Judgment of 28 July 2009.

further category of cases arises from the actions attributable to the self-proclaimed authorities operating in the Transnistrian region, including *Ilaşcu and Others,*[90] *Catan and Others,*[91] and *Mozer v. Moldova and Russia*.[92] The judgments adopted in these cases establish that the Republic of Moldova does not exercise effective control over a part of its territory, and find the responsibility of the Russian Federation for the violations of several rights, including the right to life (Article 2), the protection of property (Article 1 of Protocol 1), and the right to education (Article 2 of Protocol 1).[93]

Furthermore, the ECtHR also received applications against Macedonia on the denationalisation of properties, the right to a fair trial and the right to an effective remedy.[94] Among the ECtHR's case law on the country, *El-Masri v. 'the Former Yugoslav Republic of Macedonia'* stands out as one of the most influential rulings on forced disappearance. The applicant was apprehended by the Macedonian authorities on alleged terrorism grounds, held incommunicado and interrogated, before being transferred into the custody of agents of the United States' Central Intelligence Agency (CIA) within the framework of its extraordinary rendition programme. He was subsequently flown to Afghanistan, where he was subjected to secret detention and ill-treatment over several months, and ultimately released without any formal charges. The Court found that these facts engaged the respondent state's responsibility for multiple violations of the Convention, including the prohibition of torture and inhuman or degrading treatment (Article 3), the right to liberty and security (Article 5), the right to respect for private and family life (Article 8), and the right of an effective remedy (Article 13).[95] The judgment stands as a landmark in the Court's case law for its affirmation that participation in secret detention and rendition operations engages state responsibility under the Convention, establishing that states must ensure effective safeguards against torture, forced disappearance, and unlawful transfers, even in the context of the fight against organised crime and terrorism.

In addition, the ECtHR has also encountered racially motivated human rights violations in cases brought against Macedonia. For instance, in *Elmazova and Others v. North Macedonia*, the Court found a violation of Article 14 for the discrimination of Roma pupils on account of their segregation in state-run primary schools attended predominantly by Roma children.[96] A certain parallel can be drawn with the abovementioned *D.H. v. the Czech Republic, Oršuš and Others v. Croatia, Horváth and Kiss v.*

90 *Ilaşcu and Others v. Moldova and Russia,* Application no. 48787/99, Judgment of 8 July 2004.
91 *Catan and Others v. Moldova and Russia,* Application no. 43370/04, Judgment of 19 October 2012.
92 *Mozer v. Moldova and Russia*, Application no. 11138/10, Judgment of 23 February 2016.
93 For an overview of Moldova's engagement with the ECHR, see: Dorul, 2025.
94 For an overview of Macedonia's engagement with the ECHR, see: Karakamisheva-Jovanovska, 2025.
95 *El-Masri v. 'the Former Yugoslav Republic of Macedonia'*, Application no. 39630/09, Judgment of 13 December 2012.
96 *Elmazova and Others v. North Macedonia*, Application no. 11811/20, Judgment of 13 December 2022.

Hungary, and *Szolcsán v. Hungary* cases, which demonstrate a broader regional pattern of systemic challenges related to Roma rights across the CEE region.

Regarding the ECtHR's key cases against Ukraine,[97] a comparison can be drawn between the pilot judgment case *Yuriy Nikolayevich Ivanov v. Ukraine* and *Olaru and Others v. the Republic of Moldova* adopted in the same year, as both cases addressed the structural problem of the prolonged non-enforcement of court decisions and the lack of domestic remedies. In *Yuriy Nikolayevich Ivanov,* the ECtHR addressed the recurring practice in which Ukraine failed to honour judgment debts, a question that had been raised in thousands of applications against Ukraine. The Court, similar to the pilot judgment of Moldova, found a violation of Article 6 of the ECHR and Article 1 of Protocol 1, in addition to Article 13.[98] Other systemic human rights challenges have been brought before the Court concerning torture and ill-treatment, the inadequate conditions of detention, and safeguarding Convention rights guarantees in criminal proceedings.[99] The resulting judgments have prompted legislative and institutional reforms aimed at strengthening compliance with human-rights standards.[100] Similar to other CEE countries, serious concerns have been raised in Ukraine regarding the human rights situation of Roma people, as underlined by the judgment in *Fedorchenko and Lozenko v. Ukraine*, adopted in 2012. In this case, the Court found that Ukraine violated its procedural and substantive obligations under Article 2 by failing to carry out an effective investigation into an arson attack that killed five Roma family members, and that the state's failure to investigate possible racist motives breached Article 14.[101]

In addition to individual applications, Ukraine has also been involved in several inter-state cases brought against the Russian Federation since 2014. The first judgment was adopted by the Grand Chamber in 2024 in the case *Ukraine v. Russia (re Crimea),* finding Russia's responsibility for the violation of multiple Convention rights, including the right to life, the prohibition of torture, the right to liberty and security, the right to a fair trial, the right to respect for private and family life, freedom of religion, freedom of expression, freedom of assembly, the protection of property, the right to education, freedom of movement, and the prohibition of discrimination following the occupation of Crimea.[102] The judgment was followed by *Ukraine and the Netherlands v. Russia*, adopted by the Grand Chamber in 2025, which addressed the human rights violations after the 2022 invasion in areas of Eastern Ukraine under separatist control

97 For an overview of Ukraine's engagement with the ECHR, see: Metelskiy, 2025.
98 *Yuriy Nikolayevich Ivanov v. Ukraine*, Application no. 40450/04, Judgment of 15 October 2009.
99 See, for instance, *Merit v. Ukraine*, Application no. 66561/01, Judgment of 30 March 2004.; *Nevmerzhytskyi v. Ukraine*, Application no. 54825/00, Judgment of 5 April 2005.; *Yaremenko v. Ukraine*, Application no. 31504/03, Judgment of 12 June 2008.; *Kaverzin v. Ukraine*, Application no. 23893/03, Judgment of 15 May 2012.; *Khaylo v. Ukraine*, Application no. 39964/02, Judgment of 13 November 2008.; *Ignatov v. Ukraine*, Application no. 40583/15, Judgment of 15 December 2016.; *Petukhov v. Ukraine (no. 2)*, Application no. 41216/13, Judgment of 12 March 2019.
100 See: Metelskiy, 2025.
101 *Fedorchenko and Lozenko v. Ukraine*, Application no. 387/03, Judgment of 20 September 2012.
102 *Ukraine v. Russia (re Crimea)*, Application no. 20958/14, Judgment of 25 June 2024.

and areas under the control of Russian armed forces.[103] These rulings are not only relevant for the ECtHR's jurisprudence on extraterritorial jurisdiction and systematic, large-scale human rights violations in wartime and occupation, but also for the development of the broader public international law, particularly for the interpretation of state responsibility. Furthermore, the ECtHR's judgment may also serve as a reference point for the International Criminal Court (ICC)[104] and the International Court of Justice (ICJ).[105]

3.2.5. Croatia and Georgia

Croatia signed the ECHR in 1996, which entered into force in respect of the country in 1997.[106] Georgia subsequently joined the Convention system in 1999, with it entering into force for the country in the same year.[107]

The broader regional patterns can be discerned from the ECtHR's case law concerning Croatia: key human rights challenges in the CEE context notably include the persistent structural discrimination faced by Roma communities, as illustrated by the abovementioned *Oršuš* judgment, and migration-related issues. One of the key cases from the Strasbourg Court's jurisprudence regarding the migration wave in the mid-2010s is *M.H. v. Croatia*, which concerned the violation of the rights to life, liberty and security, the prohibition of torture and the prohibition of collective expulsion.[108] The migration crisis specifically affected the CEE region, especially countries sharing external borders of the Schengen area, which has been subject to several applications to the ECtHR. However, it should be noted that the Court may only answer such challenges from a human rights perspective, and does not take into account other factors, such as the preparedness of the states for the massive influx of migrants, the quality of individual decisions, or the states' obligation to prevent illegal entry into the territory of the EU.[109]

Perhaps the most significant cases involving Georgia were the inter-state applications instituted by the state against Russia regarding the conditions of arrest, detention and expulsion of Georgian nationals *(Georgia v. Russia (I))*,[110] administrative practices of Russian authorities in Abkhazia and South Ossetia *(Georgia v. Russia II))*,[111] and stemming from 'borderisation' *(Georgia v. Russia (IV)*.[112] The Court expressively built

103 *Ukraine and the Netherlands v. Russia*, Application no. 8019/16, Judgment of 9 July 2025.
104 The ICC opened investigations on the situation in Ukraine in March 2022. See: International Criminal Court, 2025. See also: Varga, 2023, pp. 584–585.
105 See, for instance, Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (*Ukraine v. Russian Federation*) pending before the ICJ at the time of the conclusion of the present paper.
106 For an overview of Croatia's engagement with the ECHR, see*: Vasiljević,* 2025.
107 For an overview of Georgia's engagement with the ECHR, see: Takashvili, 2025.
108 *M.H. and Others v. Croatia*, Application no. 15670/18, Judgment of 18 November 2021.
109 Raisz, 2024, pp. 539–540. See also: Fábián, 2024, pp. 151–152.
110 *Georgia v. Russia (I)*, Application no. 13255/07, Judgment of 3 July 2014 (merits).
111 *Georgia v. Russia (II)*, Application no. 38263/08, Judgment of 21 January 2021 (merits).
112 *Georgia v. Russia (IV)*, Application no. 39537/21, Judgment of 9 April 2024 (merits).

on the findings of these judgments in the abovementioned inter-state cases between Ukraine and Russia. Furthermore, particularly *Georgia v. Russia (II)* is remarkable for elaborating the concept of effective control during and after hostilities, failing to find the responsibility of either of the states during the five days of hostilities, which remains one of the most controversial aspects of the judgment.[113]

3.2.6. Bosnia and Herzegovina, Serbia, and Montenegro

Bosnia and Herzegovina signed the ECHR in 2002, while Serbia and Montenegro – a single country at the time, which separated after the declaration of independence of the latter in 2006 – joined the treaty the following year. The Convention entered into force in 2003 for Bosnia and Herzegovina, in 2004 for Serbia, and in 2006 for Montenegro.

Regarding Bosnia and Herzegovina, a distinctive category of discrimination cases stems from the constitutional order of the state, which was established with the Dayton Peace Agreement.[114] Namely, as presented first in *Sejdić and Finci v. Bosnia and Herzegovina*, the constitution recognises three 'constituent peoples', Bosniaks, Croats, and Serbs, who are eligible to stand for elections. This case was brought before the ECtHR by applicants of Roma and Jewish origin, alleging the violation of the protection of free elections (Article 3 of Protocol 1), and the prohibition of discrimination (Article 14 and Article 1 of Protocol 12), which the Court subsequently established.[115] Similarly, the Court pronounced the breach of the mentioned Convention rights for an applicant who had not identified with any ethnic group for the candidacy in *Zornić v. Bosnia and Herzegovina*,[116] and for an applicant who had identified as a Bosniak for the candidacy in Republika Srpska, where, according to the constitution, the candidate had to be a Serb, in *Pilav v. Bosnia and Herzegovina*.[117] These judgments recognise the systemic human rights challenges, particularly regarding discriminatory practices in the country that stem from constitutional provisions. The Court acknowledged the role of the Peace Agreement in the closure of the brutal conflict that was marked by genocide and ethnic cleansing, however, it also considered that the time had come for a political system which will provide every citizen of Bosnia and Herzegovina with the right to stand for election without discrimination based on ethnic affiliation and without granting special rights for constituent people to the exclusion of minorities or citizens of Bosnia and Herzegovina.[118]

Serbia's most characteristic cases demonstrate a strong influence of the inherited human rights challenges of the communist era.[119] The case of *Kačapor and Others v.*

113 Dzehtsiarou, 2021, pp. 288–294.
114 For an overview of Bosnia and Herzegovina's engagement with the ECHR, see: *Krešić,* 2025.
115 *Sejdić and Finci v. Bosnia and Herzegovina*, Application no. 27996/06, Judgment of 22 December 2009.
116 *Zornić v. Bosnia and Herzegovina*, Application no. 3681/06, Judgment of 15 July 2014.
117 *Pilav v. Bosnia and Herzegovina*, Application no. 41939/07, Judgment of 9 June 2016.
118 *Zornić v. Bosnia and Herzegovina*, Application no. 3681/06, Judgment of 15 July 2014, para. 43.
119 For an overview of Serbia's engagement with the ECHR, see: Plavšić, 2025.

Serbia is remarkable for being the ECtHR's first ruling on the issue of non-enforcement or delayed enforcement of domestic judicial decisions rendered in the applicants' favour against socially or state-owned companies,[120] followed by several other judgments.[121] In addition, the Court received a high number of applications for the state's refusal to pay allowances for military services performed by former Yugoslav army reservists in 1999. In this matter, a key case was *Vučković and Others v. Serbia,* adopted by the Grand Chamber in 2014, finding a violation of the prohibition of discrimination in conjunction with the protection of property.[122]

Furthermore, perhaps the most delicate and complex human rights issue that was brought before the Court is raised in *Zorica Jovanović v. Serbia*. The case, along with a significant number of applications, contested the state's positive obligations under Article 8 regarding the disappearance of babies from state-run hospitals. In these cases, the parents were informed about the death of their newborn babies without receiving any information on the remains and the burial of the babies. In addition to finding a violation of the right to private and family life, the Court indicated that general measures were required,[123] which resulted in the establishment of a fast-track fact-finding system of providing individual redress to parents, and instituting investigations to establish the fate of the missing babies.

The first judgment concerning Montenegro was *Bijelić v. Montenegro and Serbia*, which concerned state succession and the validity of international human rights treaties in the situation of the peaceful division of a state, as well as succession.[124] In this judgment, the Court confirmed that the ECHR had been binding on Montenegro since Serbia and Montenegro ratified it.[125] The judgment is a characteristic example of the Court's engagement with the public international law and international human rights law framework on state succession, a relatively rare context within the Council of Europe system. *Bijelić,* therefore, not only exemplifies Montenegro's early systemic challenges with the enforcement of property rights but also contributes to the broader development of the Court's jurisprudence on state continuity and responsibility. This distinctive dimension sets it apart from the otherwise predominantly fair trial and property-related case law concerning Montenegro.

120 *Kačapor and Others v. Serbia*, Application no. 2269/06, Judgment of 15 January 2008.
121 See, for instance, Vlahović v. Serbia, Application no. 42619/04, Judgment of 16 December 2008; *Sekulić and Kučević v. Serbia*, Application no. 28666/08, Judgment of 24 April 2014; *Marinković v. Serbia*, Application no. 5353/11, Judgment of 22 October 2013.
122 *Vučković and Others v. Serbia*, Application no. 17153/11, Judgment of 25 March 2014.
123 *Zorica Jovanović v. Serbia*, Application no. 21794/08, Judgment of 26 March 2013.
124 For an overview of Montenegro's engagement with the ECHR, see: Vučinić and Grbović, 2025.
125 *Bijelić v. Montenegro and Serbia*, Application no. 11890/05, Judgment of 28 April 2009.

4. Conclusions

This chapter was dedicated to the relationship between certain Central and Eastern European states and the European Court of Human Rights, reflecting on the impact of the accession of these states to the European Convention on Human Rights on the evolution of the Court's institutional and jurisprudential framework. Instead of providing an in-depth analysis of the relevant jurisprudence – for which there are dedicated chapters in this volume – this contribution aimed to identify key patterns and broader tendencies characterising the dynamic relationship between the CEE region and the Strasbourg Court.

Based on the analysis presented in the chapter, the following conclusions can be drawn. First, the eastward expansion of the Council of Europe was a significant milestone in the creation of a truly European human rights system that integrates the majority of European states along the values of democracy, the rule of law, and respect for human rights. The enlargement also prompted long-awaited institutional reforms in the control mechanism of the Convention, established by Protocol 11 to the ECHR, which created a single court and granted individual access to it. Furthermore, in response to the increase in the caseload, the Court also established the so-called pilot judgment procedure, which allowed the ECtHR to address systemic human rights challenges in the given country. While this procedure was formally not explained by the enlargement, it can be seen that it proved to be an important tool in addressing structural problems, both in region-specific issues and general human rights challenges occurring across the continent. Ultimately, the analysis demonstrates that Central and Eastern European states have become an integral part of the Convention system, both by contributing to the evolution of its jurisprudence and human rights standards and by shaping their domestic legal frameworks in response to the Strasbourg Court's case law.

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