



POLICY BRIEF

Effective execution of European human rights judgments

SRL Swiss | EN | 25.10.2026

Scope and principal conclusion

The report examines the execution gap in Kavala, Demirtaş and Yalçinkaya. Its principal conclusion is that payment, reopening proceedings and aggregate closure statistics cannot replace remedies addressing the consequences of a violation. Supervision must distinguish measures for the applicant from reforms preventing similar violations.

Findings from the case records

The Ministry of Justice's chart of 10 February 2026 gives an overall execution-case closure rate of 90.32 per cent. The report accepts that figure while explaining that it does not measure compliance in individual leading or structural cases. The denominator and nature of closed cases matter.

At the report's 29 September 2026 reference date, the release required in Kavala and Demirtaş had not occurred. The Kavala infringement judgment of 2022 and the later 2026 judgment are treated separately. Subsequent charges or procedural steps must be tested against the redress actually required.

Yalçinkaya concerns individualised criminal responsibility, effective challenges to evidence and association rights. The reopened trial resulted in the same conviction on 12 September 2024. Reopening alone therefore does not demonstrate correction of the identified defects or resolution of comparable cases.

Priorities for action

1. The Committee of Ministers should assess payment, individual measures and general measures separately. Require a clear timetable and evidence of decisions affecting liberty and the consequences of conviction rather than recording formal procedural activity alone.
2. Domestic courts should give reasons addressing the European Court's findings and demonstrate how retrials correct the identified problem. Authorities should report measurable changes in comparable cases and safeguards for effective defence and individual assessment.
3. Protect judicial decisions from pressure through appointment and disciplinary powers. Keep leading cases under regular public supervision with defined outcome criteria. Political statements, institutional context and evidence of specific interference must remain analytically distinct.

Evidence and limits

This is a summary of the September 2026 source report, not a current litigation update. Applications, judgments and Article-specific violation findings are different units; overall closure rates do not decide compliance in a particular case.

SRL Swiss, Why Are the ECtHR Judgments in Kavala, Demirtaş and Yalçınkaya Not Implemented, September 2026, pp. 2–9.

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