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**INFLUENCE OF THE EUROPEAN COURT OF HUMAN RIGHTS  
ON THE NATIONAL LEGAL SYSTEMS IN CENTRAL  
AND EASTERN EUROPE**

**Introduction**

The process of transition is fraught with numerous challenges and requires substantial political will as well as cautiousness in taking steps towards the design of the created or re-emerged institutions. Recovery of the rule of law is, probably, the biggest challenge of that process. Luckily, at the moment of collapse of the Eastern Block, there already was an institution able to set the standards for the insurance of civil liberties, independence of judiciary, pluralism, and tolerance – the European Court of Human Rights (hereafter ECtHR or the Court). Though, in early 90s it was not yet a full-time institution, still, it was able to provide guidance in setting the basic human rights standards, and after becoming a permanent Court in 1998 – to adhering to them. Hence, the aim of this paper is to assess the impact of this supra-national institution on the evolution of national legal systems in the states of Central and Eastern Europe.

Due to the transition process and underdeveloped body of laws dealing with human rights adherence, the countries of this region pose a particular interest for research in this context since the decisions laid down by the European Court of Human Rights has more substantial navigational potential than for other

European States with well-developed institutional capacities for human rights implementation. Therefore, this paper will, firstly, provide an overview of the ECtHR's competence and its transformation induced by accession of Central-Eastern European countries. Secondly, it will look at the main mechanisms of the ECtHR decision-making and implementation and their applicability in the context of the region under analysis. Finally, it will allow for an empirical overview concerning the progress of addressing the systemic violations of the European Convention of Human Rights by the legal systems of Central and Eastern European countries. For this purpose, the paper will indicate the articles that are violated and brought before the Court the most frequently in each state of the region, and thus, highlight the systemic failures to meet the Convention's requirements. Then, it will check whether the frequency of violation of those articles decreased over the last decade in order to assess whether those systemic problems were addressed properly. Finally, it will provide the closure rate of the cases for each of the states in order to evaluate compliance with the Court's decisions. Therefore, this paper will not only indicate the main problems of the human rights adherence in the countries of the Central-Eastern Europe, but also contemplate on the Court's capability to bring about the structural changes in the states under its jurisdiction.

### **The evolution of the ECtHR competence**

As it often happens, the original idea behind the creation of the institution does not necessarily develop in the expected way. This is also the case for the European Court of Human Rights. The initial rationale for creating the Court was induced by the reality of the post-war Europe and the need for establishing minimal standards for the protection of human rights as well as the institutions able to enforce them.<sup>1</sup> Henceforth, after the war, the newly established Council of Europe produced the document that would guarantee the insurance of the civil and political liberties together with the rule of law on the European continent, and thus, prevent the repetition of the war atrocities – the European Convention on Human Rights.<sup>2</sup> However, it is important to mention that, unlike the Universal Declaration of Human Rights, the Convention did not have to reconcile numerous ideologies since its signatories already had a uniform vision about its aspirations and character. In this sense, it was more akin to historical national documents

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<sup>1</sup> A. Stone Sweet, H. Keller, *The Reception of the ECHR in National Legal Orders*, "Faculty Scholarship Series" 2008, Paper 89, pp. 11–36; S. Domaradzki, *The Council of Europe's Human Rights System after Sixty Years – Political Evolution and Continuance*, "Krakowskie Studia Międzynarodowe" 2009, No. 3, pp. 75–94.

<sup>2</sup> Foster S., *Human Rights and Civil Liberties*, 2nd edition, Person Education, London 2008, p. 40.

designed for human rights protection such as the United States Bill of Rights, German Basic Law, or French Declaration of rights of Man and the Citizen.<sup>3</sup> Moreover, since the human rights implementation in the legal system of the initial signatories<sup>4</sup> with a few exceptions was on already high level, the organisation reminded more of a “gentlemen’s club” than the supervisory institution.

In order to create the machinery for Convention’s implementation, the European Court of Human Rights was finally established in 1959 under the article 19.<sup>5</sup> However, the original character of the Court was quite loose with principles of subsidiarity and margin of appreciation conceived to constrain the institution against intervention into the national jurisdictions of its members.<sup>6</sup>

However, after the collapse of the Eastern Block and admission of the new members with underdeveloped legal systems into the Council of Europe, the Court had to adjust its mechanisms and competence in order to stay efficient. In addition, many of the new signatories of the Convention did not share the same vision concerning the importance of human rights. Nonetheless, by signing the document, they stated their commitment to development and strengthening of the domestic institutions and principles of liberal democracy. Thus, the role of the Council of Europe shifted from being a “gentlemen’s club” to becoming a “tutor, observer, and coordinator” for the new members.<sup>7</sup> Subsequently, the Court required more pro-active and efficient mechanisms for “domestication” of the Convention.

One of the first steps that was implemented to increase the capacity of the Court was elimination of the Commission of Human Rights and centralisation of the Court by the Protocol 11, which was signed in 1998.<sup>8</sup> As a result, all the processes of case admittance and review go directly through the ECtHR structures. Then, the Court’s judgements became binding in their character and the acceptance of individual complaints was changed to mandatory. Moreover, and probably the most importantly, the initial list of rights expanded significantly and added such rights as the right to property, education, abolition of death

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<sup>3</sup> D. Vitkauskas, G. Dikov, *Protecting the Right to a Fair Trial under the European Convention on Human Rights. A Handbook for Legal Practitioners*, 2nd edition, Council of Europe, Strasbourg 2017, pp. 13–15.

<sup>4</sup> The initial signatories of the Convention in 1950 were Belgium, Denmark, France, Germany, Greece, Iceland, Ireland, Italy, Luxembourg, Norway, Sweden, Turkey, and the United Kingdom.

<sup>5</sup> European Convention on Human Rights, European Court of Human Rights, Council of Europe, Strasbourg, [https://www.echr.coe.int/Documents/Convention\\_ENG.pdf](https://www.echr.coe.int/Documents/Convention_ENG.pdf) [accessed: 25.09.2018].

<sup>6</sup> A. Stone Sweet, H. Keller, *op. cit.*, pp. 13–14.

<sup>7</sup> S. Domaradzki, *op. cit.*, p. 80.

<sup>8</sup> Council of Europe, Protocol No. 11 to The Convention for the Protection of Human Rights and Fundamental Freedoms, Restructuring the Control Machinery Established Thereby, Strasbourg, 11.05.1994, [https://www.echr.coe.int/Documents/Library\\_Collection\\_P11\\_ETS155E\\_ENG.pdf](https://www.echr.coe.int/Documents/Library_Collection_P11_ETS155E_ENG.pdf) [accessed: 27.09.2018].

penalty<sup>9</sup>, and prohibition of discrimination.<sup>10</sup> Thus, as Stone Sweet and Keller notices, the Court “[...] evolved into intricate legal system”<sup>11</sup> and acquired substantial influence over the domestic jurisdiction. As a result, even the initial signatories, which had a developed framework for the human rights protection underestimated the future influence on their national legal systems.<sup>12</sup> Naturally, the states undergoing the reconstruction of their justice system were much more susceptible to its impact.

### **Mechanisms and applicability of the Court’s decisions**

As it was mentioned previously, two principles that are deemed central to the Court’s functioning are subsidiarity and margin of appreciation. As for the former, subsidiarity was officially reinforced by the Maastricht Treaty in 1992, and implies taking action locally first before delegating the issue to the higher supra-national authorities.<sup>13</sup> Thus, it allows for intervention of the Court into the national jurisdiction only when the domestic legal system is not able to ensure implementation of human rights, as stated in the article 35 of the Convention.<sup>14</sup> At the same time, it also means that the Court is entitled with final jurisdiction in interpreting the Convention. Thus, Keller notes that it gives it “structural judicial supremacy” over the national courts.

The second crucial principle of the Court – margin of appreciation – is also seen as a mechanism to restrict the Court’s power. This principle allows to adjust the Court’s rulings to domestic reality, and thus, leaves the final say in implementation of the judgements to the national authorities. After all, as it was rightfully noted by Lord Hoffmann, “[...] human rights are universal at the level of abstraction [...] [but] national at level of application”.<sup>15</sup> However, some schol-

<sup>9</sup> Protocol No. 6, which includes prohibition of death penalty was not ratified by Russian Federation; Council of Europe, Chart of signatures and ratifications of Treaty 114, [https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/114/signatures?p\\_auth=uvjrHSQX](https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/114/signatures?p_auth=uvjrHSQX) [accessed: 28.04.2019].

<sup>10</sup> Protocol No. 12 dealing with prohibition of discrimination was not signed by many members, including Bulgaria, Denmark, France, Lithuania, Monaco, Poland, Sweden, Switzerland, and the United Kingdom; Council of Europe, Chart of signatures and ratifications of Treaty 177, <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/177/signatures> [accessed: 29.04.2019].

<sup>11</sup> A. Stone Sweet, H. Keller, *op. cit.*, p.11.

<sup>12</sup> H. Keller, A. Stone Sweet, *Assessing the Impact of the ECHR on National Legal Systems*, “Faculty Scholarship Series”, Paper 88, pp. 677–712.

<sup>13</sup> D. Shelton, *The Boundaries of Human Rights Jurisdiction in Europe*, “Duke Journal of Comparative & International Law” 2003, Vol. 13, pp. 95–153.

<sup>14</sup> European Convention on Human Rights, *op. cit.*

<sup>15</sup> L. Hoffmann, *The Universality of Human Rights*, Judicial Studies Board Annual Lecture, 19.03.2009, p. 14, <http://www.brandeis.edu/ethics/pdfs/internationaljustice/bijj/BIIJ2013/hoffmann.pdf> [accessed: 22.04.2019].

ars also remark that the members of the Council do not have enough discretion and the Court should be more flexible in application of human rights standards to the national realities.<sup>16</sup>

Moreover, after the Protocol No. 11 allowed for individual applications to the Court<sup>17</sup>, the number of cases brought before the Court skyrocketed, which required not only to substantially decrease the amount of time devoted to case proceedings but also to issue so-called “pilot judgements” to address similar cases, especially for states of Central-Eastern Europe, where systemic violations produced numerous and almost identical cases.<sup>18</sup> For example, at the moment of writing of this paper, the number of pending cases amounted to 2268, only 136 of which received the status of closed during the last year, according to HUDOC database.<sup>19</sup> Naturally, it does not facilitate the problem with the lack of case deliberation.

To prevent the future violations, the Court has two types of measures to punish the state: just satisfaction or proposing an action plan to address the systemic violation.<sup>20</sup> Most often, in order to allow for certain discretion in national policies and due to non-compliance concerns, the Court rules for monetary remedies as a compensation for violation of certain rights.<sup>21</sup> Though this remedy is the most effective, it might be seen as morally dubious to assign a price for violation of human rights. Moreover, simple cost-benefit analysis may stimulate the country to reach the conclusion that paying just satisfaction is less expensive than redesigning the institutional system.<sup>22</sup>

Thus, the empirical analysis is required in order to assess whether states of the region under the analysis were successful in internalising the courts provisions and whether the increase in coercive possibilities of the courts might be justified.

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<sup>16</sup> de la Rasilla del Moral I., *The Increasingly Marginal Appreciation of the Margin of Appreciation Doctrine*, “German Law Journal” 2006, Vol. 7, Issue 6, pp. 611–623; E. Brems, *The Margin of Appreciation Doctrine in the Case-Law of the European Court of Human Rights*, “Zeitschrift Für Ausländisches Öffentliches Recht Und Völkerrecht” 1996, Bd. 56, pp. 240–314; L. Hoffmann, *op. cit.*

<sup>17</sup> Council of Europe, Protocol No. 11 to The Convention for the Protection of Human Rights and Fundamental Freedoms..., *op. cit.*

<sup>18</sup> A. Stone Sweet, H. Keller, *The Reception of the ECHR in National Legal Orders*, “Faculty Scholarship Series” 2008, Paper 89, pp. 11–36.

<sup>19</sup> HUDOC (Human Rights Documentation) is the case law database of the ECHR, see: HUDOC – European Court of Human Rights, <https://hudoc.echr.coe.int> [accessed: 28.04.2019].

<sup>20</sup> S. Domaradzki, *op. cit.*, p. 83.

<sup>21</sup> V. Fikfak, *Changing State Behaviour: Damages before the European Court of Human Rights*, “The European Journal of International Law” 2018, Vol. 29, No. 4, pp. 1103. DOI:10.1093/ejil/chy064.

<sup>22</sup> S. Domaradzki, *op. cit.*, p. 84.

## **Statistical overview of the Court's impact on the countries of Central and Eastern Europe**

The final part of this paper will assess the frequency of violation of certain articles by the Central and Eastern European states. The rationale behind it is that frequent appeals invoking the same article of the Convention will indicate systemic failure to address the corresponding right. After indicating such “systemic weaknesses”, the changes in the domestic legal systems implemented to prevent further violation (if any) will be analysed. The countries under the analysis include the states of the Eastern and Central Europe, which joined the EU after the Eastern enlargement in 2004: Poland, Czech Republic, Hungary, Slovakia, Slovenia, Latvia, Lithuania, and Estonia. All of those states signed the Convention in the period between 1991 and 1995.<sup>23</sup> The data for the analysis was collected from the HUDOC database, administered by the ECtHR.

The variables based on which the states' compliance with the ECtHR judgements and integration with the domestic legal systems was assessed were the following:

1. The frequency of filing the cases by ECHR article. For each country under the analysis, five most frequently invoked articles were selected and compared with the other states of the region. Here, only the cases with the judgement issued by the Court were included, omitting pending or rejected cases. Moreover, only articles and protocols directly address specific human rights violations were included, among them are articles 1–18 and Protocols No. 1, 4, 6, 7, 12, 13.
2. The frequency change of invoking the articles selected in the previous step in time during the past ten years. It allowed to assess whether the systemic failure was addressed and corrected.
3. The data regarding the remedies for violations of ECHR provisions. Here, one of the most vivid indicators was the payment of just satisfaction and number of closed cases in the last year.

The results of the first step of the analysis are the following. Firstly, Table 1 provides the data regarding the most frequently invoked articles for each state of the region:

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<sup>23</sup> The states signed the European Convention on Human Rights in the following years: Hungary – 1990, Poland – 1991, Czech Republic – 1991, Slovakia – 1991, Slovenia – 1993, Lithuania – 1993, Estonia – 1993, Latvia – 1995; Council of Europe, Chart of signatures and ratifications of Treaty 005, [https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/005/signatures?p\\_auth=qoeJhWyQ](https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/005/signatures?p_auth=qoeJhWyQ) [accessed: 28.04.2019].

Table 1. The most frequently invoked ECHR articles by country

State	FREQ 1	FREQ 2	FREQ 3	FREQ 4	FREQ 5
Poland	Art. 6 (595)	Art. 5 (295)	Art. 8 (136)	Prot. 1.1 (77)	Art. 10 (50)
Hungary	Art. 6 (207)	Art. 8 (35)	Art. 5 (33)	Prot. 1.1 (30)	Art. 3 (27)
Czech Republic	Art. 6 (152)	Art. 8 (36)	Prot. 1.1 (28)	Art. 13 (24)	Art. 5 (20)
Slovakia	Art. 6 (227)	Art. 13 (56)	Art. 5 (38)	Prot. 1.1 (29)	Art. 8 (28)
Slovenia	Art. 6 (266)	Art. 13 (224)	Art. 8 (20)	Prot. 1.1 (12)	Art. 14 (8)
Latvia	Art. 6 (45)	Art. 3 (39)	Art. 5 (35)	Art. 8 (31)	Art. 13 (10)
Lithuania	Art. 6 (67)	Prot. 1.1 (34)	Art. 8 (33)	Art. 3 (22)	Art. 5 (20)
Estonia	Art. 6 (26)	Art. 3 (12)	Art. 5 (9)	Art. 8 (8)	Art. 10 (4)

Source: HUDOC database.

From the Table 1, it is evident that among all the countries of Central and Eastern Europe, article 6 is invoked the most frequently. This article addresses the right to fair trial<sup>24</sup>, which indicates a systemic failure of the states to ensure this right together with the underdevelopment of the legal systems. Then, violation of article 8 – right to respect for private and family life – is among the five most frequently invoked articles for all the states of the region. Violation of this article has its own aspects for each of the states. In case of Poland, for example, it is foremost indicative of the lack of access to abortion. Then, with the only exception of Estonia and Latvia, article 1 of the protocol No. 1 appears among the five most frequently violated ECHR articles for all the states under analysis. This article concerns right to property and in the context of the Central and Eastern European states, it might be attributed to the process of transition from the communist past. Among the other frequently invoked articles for the states under analysis are article 5 – right to liberty and security, article 10 – freedom of expression, article 13 – right to an effective remedy, and article 14 – prohibition of discrimination (for Slovenia only). Noticeably, article 3 – prohibition of torture – appears among the five most frequent articles for Baltic states and Hungary, which is related to poor prison conditions.<sup>25</sup>

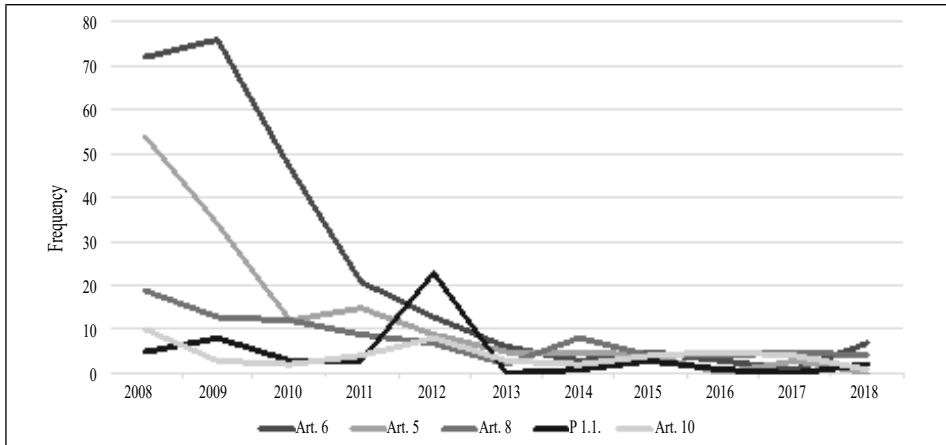
Next, it is necessary to trace the main tendencies in frequency changes for each of the most violated ECHR provisions over the past decade in order to assess the degree of “domestication” of the Convention. Firstly, for Poland, the most frequently violated articles were article 6, 5, 8, 10, and article 1 of the

<sup>24</sup> European Convention on Human Rights, *op. cit.*

<sup>25</sup> Such violations were reported by Amnesty International in 2008, *Latvia and Lithuania: human rights on the march?*, Amnesty International, 23.04.2008, <https://web.archive.org/web/20090611035257/http://www.amnesty.org/en/library/info/EUR53/001/2008/en> [accessed: 24.03.2019], and the US Bureau of Diplomacy, Human Rights, and Labour in 2008 and 2017: 2008 Country Reports on Human Rights Practices, United States Department of State, <https://www.state.gov/j/drl/rls/hrrpt/2008/eur/119087.htm>; 2017 Country Reports on Human Rights Practices, United States Department of State, 20.04.2018, <https://www.state.gov/documents/organization/277431.pdf> [accessed: 28.04.2019].

Protocol 1. The frequency of violation of those articles from 2008 to 2018 looks as the following.

Chart 1. Poland violations of ECHR provisions over the last decade

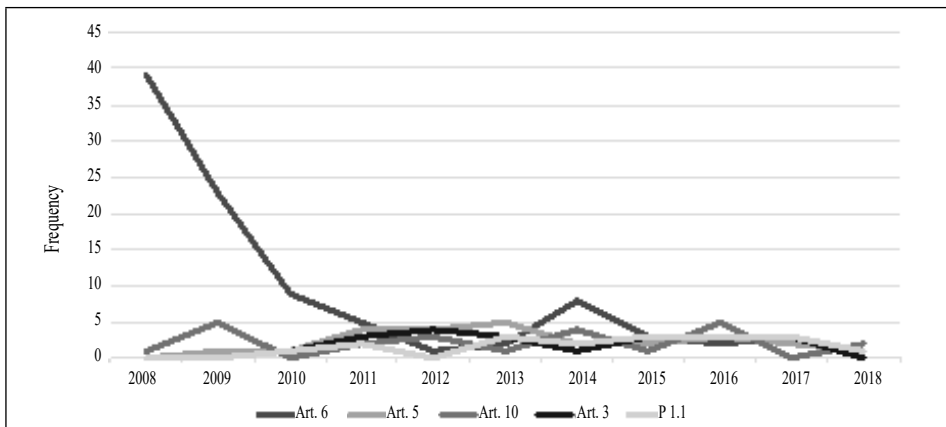


Source: HUDOC database.

Thus, the most noticeable trend for Poland is an overall dropdown in number of cases over the past decade, which might indicate internalisation of the ECHR provisions for the country’s legal system.

For Hungary, the chart 2 demonstrates similar tendencies.

Chart 2. Hungary: violations of ECHR provisions over the las decade



Source: HUDOC..., *op. cit.*

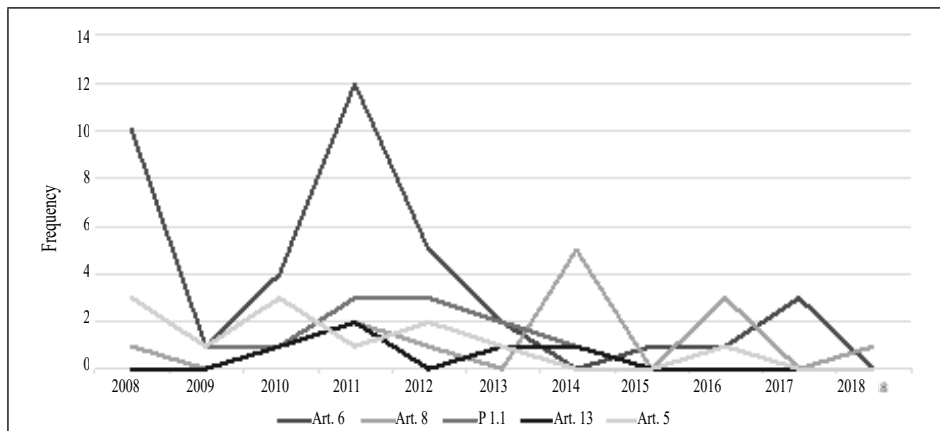
Overall, the number of cases has also dropped over the last decade. However, it is also evident that, with the exception of violation of article 6, the frequency



of invoking the articles was rather low for the past decade, indicating “domestication” of those provisions by the Hungarian legal system even before that time.

Next, the situation for the Czech Republic looks as the following:

Chart 3. Czech Republic: violations of ECHR provisions over the last decade

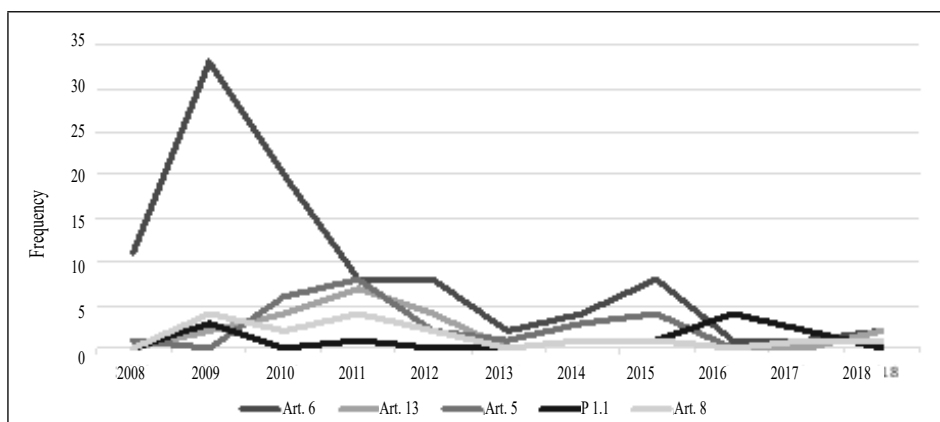


Source: HUDOC..., *op. cit.*

In general, the frequency of the Convention violation in the country was lower than in Poland and Hungary and, with the exception of article 6 in 2011, did not exceed ten cases in the last decade, which also shows sufficient integration of the provisions into the domestic legal system.

As for Slovakia, the general tendency looks similar: the frequency of the violation of articles 6, 13, 5, 8, and article 1 of the Protocol 1 was relatively low during the past decade:

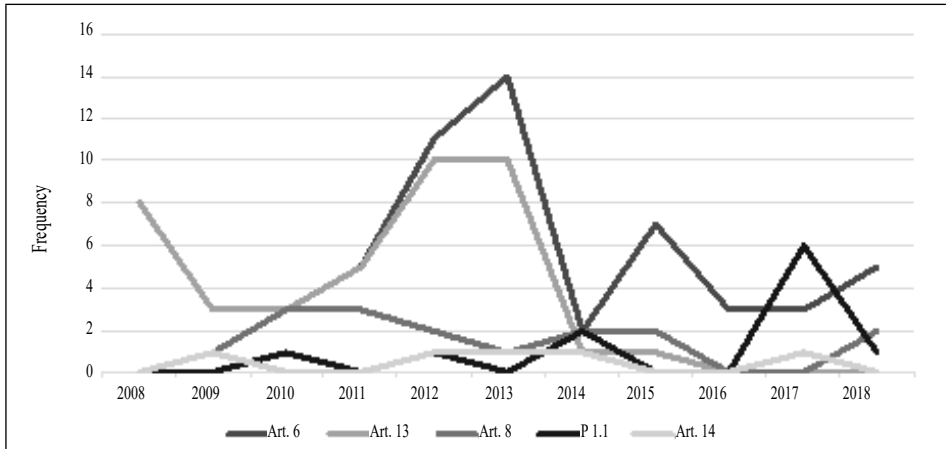
Chart 4. Slovakia Republic: violations of ECHR provisions over the last decade



Source: HUDOC..., *op. cit.*

Then, the trends concerning Slovenia are somewhat different:

Chart 5. Slovenia: violations of ECHR provisions over the last decade

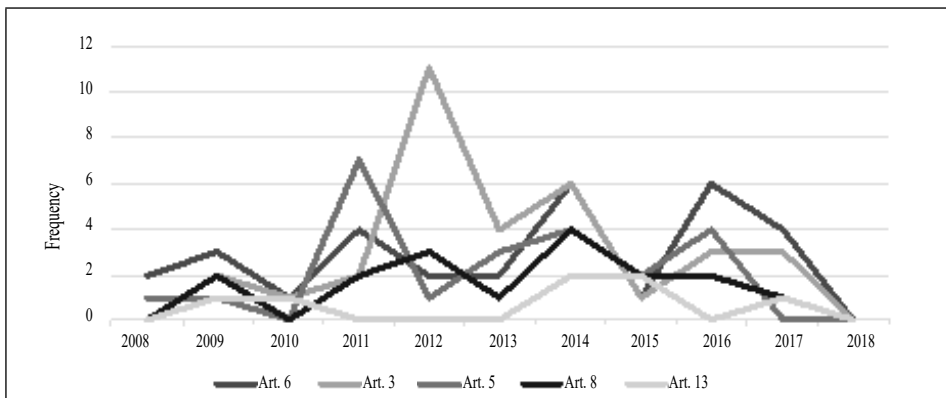


Source: HUDOC..., *op. cit.*

The chart appears less dropping down that for the previous states. There is a small increase in violation of articles 6 and 8 in the period between 2011 and 2014. Though it should be kept in mind that the highest value does not exceed fifteen cases per year.

As for the Baltic states, the charts look in the following way:

Chart 6. Latvia: violations of ECHR provisions over the last decade

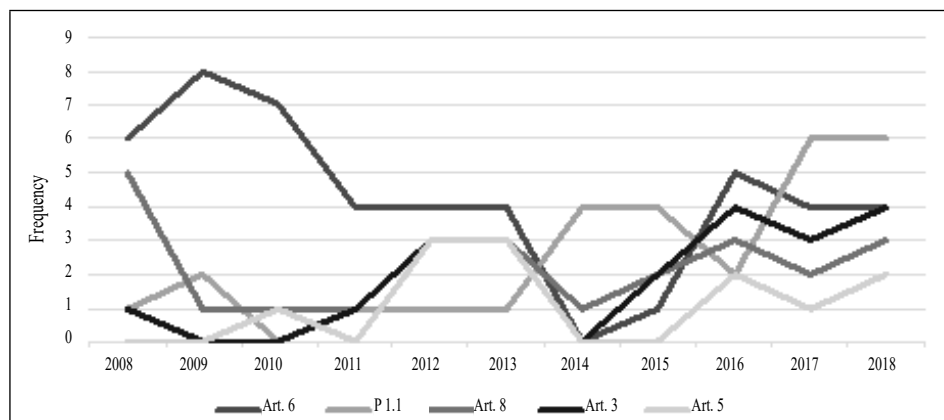


Source: HUDOC..., *op. cit.*

For Latvia, the most violated articles were rarely invoked over the past decade, peaking at eleven cases in 2012 for article 3. Though the general tendency does not seem to be decreasing during the past decade, one should have in mind that the numbers represented on the chart are quite low.

Next, the chart for Lithuania has the following outlook:

Chart 7. Lithuania: violations of ECHR provisions over the last decade

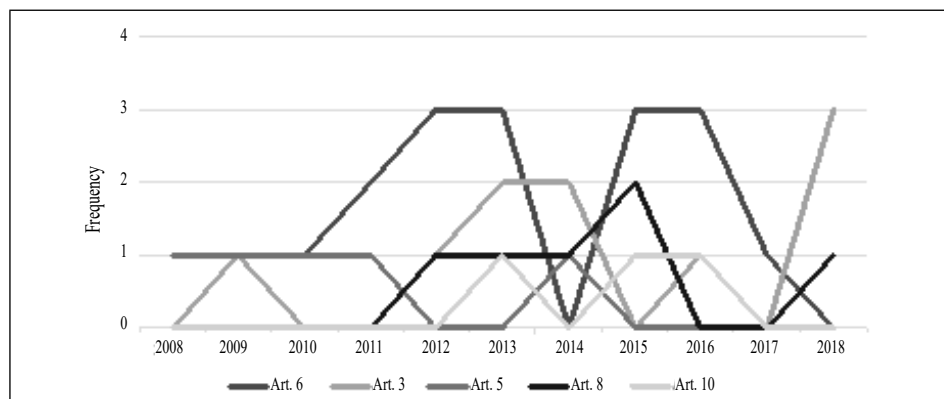


Source: HUDOC..., *op. cit.*

Again, the downward trend is not visible but overall numbers of violations are rather low and are kept below eight cases per year. However, there is a slow increase in violation of article 8.

Finally, the similar chart for Estonia shows the following trends:

Chart 8. Estonia: violations of ECHR provisions over the last decade



Source: HUDOC..., *op. cit.*

Comparing to other countries of the region, Estonia has the lowest number of violations of the articles, where systemic violations were suspected to be. It might indicate that the Estonian legal system has successfully internalised the Convention norms before the last decade.

Thus, for all the states under analysis the systemic failures indicated by the most frequently invoked articles of the Convention indicate either a downward trend (Poland, Hungary, Czech Republic, Slovakia) or show rather low numbers, which do not exceed fifteen cases per year (Slovenia and Baltic states). It might be indicative of internalisation of the Convention norms by the states of Central and Eastern Europe.

Finally, the percentage of the closed cases might also help to assess state's compliance with the Court's decisions. For the selected states, the numbers are the following:

Table 2. Number of cases per country. HUDOC database

State	Registered cases	Closed cases	Closure rate
Poland	1680	1587	94%
Hungary	949	657	69%
Czech Republic	224	219	98%
Slovakia	505	463	92%
Slovenia	342	330	96%
Latvia	116	109	94%
Lithuania	150	107	71%
Estonia	51	49	96%

Source: HUDOC database.

The Table 2 indicates two outliers, Hungary and Lithuania, which show somewhat lesser closure rate of the cases. As for the other states of the region, they show almost exemplary high rates over 90%, which demonstrates their compliance with the court's judgements.

## Conclusion

To conclude, the paper provided an overview of transformations of the European Court of Human Rights over the years in order to meet the challenges of the time: numerous new members with underdeveloped legal systems and with almost no history of continuous institutions able to protect political rights of its citizens.

In order to assess, whether the Court was successful in internalising the provisions of the European Convention on Human Rights in domestic legislature of the states of Central and Eastern Europe, the statistical analysis was provided. It listed the articles which were violated the most in the countries under the analysis, and thus, indicated the systemic failures to meet the requirements of the Convention. Among those were right to fair trial, right to liberty and security, prohibition of torture, right to property, right to respect for private and family life, freedom of expression, and right to an effective remedy. For each country,

the frequency of the most violated rights was traced through the last decade in order to determine whether those systemic failures were addressed. It was concluded that in the period from 2008 to 2018, the most frequently violated provisions either showed a decreasing tendency or were not numerous, which indicates “domestication” of the Convention’s norms. Finally, the closure rate of the cases demonstrated a very high proportion of closed to registered cases (higher than 90% for almost all states of the region), which shows high degree of compliance with the Court’s decisions.

Thus, the empirical analysis demonstrated that the changes introduced to the ECtHR, though are often criticised for being coercive, proved to be effective in transforming the legal systems of the Central and Eastern European states and internalising the Convention’s provisions.

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## Wpływ Europejskiego Trybunału Praw Człowieka na krajowe systemy prawne w Europie Środkowo-Wschodniej

Europejski Trybunał Praw Człowieka przeszedł znaczną transformację w zakresie swoich kompetencji od momentu powstania do chwili obecnej. Z jednej strony wywołało to krytykę i ostrożność starych członków. Z drugiej strony, transformacja wynikała z konieczności dostosowania Trybunału do wymagań nowych członków o słabo rozwiniętych mechanizmach ochrony praw człowieka. Artykuł oceni główne zmiany w mechanizmie funkcjonowania Trybunału i dostarczy empiryczną analizę jego postępów w internalizacji norm praw człowieka w systemach prawnych państw Europy Środkowo-Wschodniej. W tym celu artykuł wskaże poważne systemowe niedostosowanie się wybranych państw do wymogów Europejskiej Konwencji Praw Człowieka, systemowe zmiany w ciągu ostatniej dekady oraz zgodność działań tych państw z wyrokami Trybunału. Z artykułu wynika, że pomimo krytyki ETPC udowodnił swoją skuteczność we wskazywaniu i rozwiązywaniu niepowodzeń systemowych w państwach prawa Europy Środkowo-Wschodniej.

**Słowa kluczowe:** prawa człowieka, Europejski Trybunał Praw Człowieka, Europa Środkowo-Wschodnia, zmiany instytucjonalne, Polska, Węgry, Czechy, Słowacja, Słowenia, Łotwa, Litwa, Estonia

## **Influence of the European Court of Human Rights on the National Legal Systems in Central and Eastern Europe**

The European Court of Human Rights has undergone substantial transformation in its competence from the times of its creation to nowadays. From one side, it induced criticism and wariness from its members. From the other side, however, such measures were encouraged by the necessity to adjust the Court to numerous new members with underdeveloped human rights protection mechanisms. Thus, this paper will assess the major changes in the machinery of the court and provide empirical analysis of the Court's progress in internalisation of the human rights norms in the legal systems of the states of Central and Eastern Europe. For that purpose, it will indicate major systemic failures to meet the requirements of the European Convention of Human Rights, their changes over the past decade, and states' compliance with the Court's judgements. It concludes that despite the criticism, ECtHR has proved its efficiency in indicating and dealing with the systemic failures in the legal systems of the states under analysis.

**Key words:** Human rights, European Court of Human Rights, Central and Eastern Europe, institutional change, Poland, Hungary, Czech Republic, Slovakia, Slovenia, Latvia, Lithuania, Estonia

