

Supervision of the execution of judgments and decisions of the European Court of Human Rights



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COMMITTEE
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COUNCIL OF EUROPE



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Supervision of the execution of judgments and decisions

Member states have undertaken to comply with **final judgments** of the European Court of Human Rights (the Court) finding violations of the European Convention of Human Rights (the Convention), as well as with Court decisions taking note of **friendly settlements** (see Articles 46 and 39.4 of the Convention).

The adoption of the necessary execution measures is supervised by the **Committee of Ministers of the Council of Europe**, made up of representatives of the governments of the 47 member states, assisted by the Department for the Execution of Judgments of the Court (Directorate General of Human Rights and Rule of Law).

The states have a **legal obligation** to remedy the violations found but enjoy a **margin of appreciation** as regards the means to be used. The measures to be taken are, in principle, identified by the state concerned, under supervision of the Committee of Ministers. The Court can assist the execution process, in particular through the **pilot-judgment procedure** (used in case of major structural problems).

Measures to be taken may relate to the individual applicant or be of a general nature.



Individual measures

Execution measures must first put an end to the violation and remedy, as far as possible, its negative consequences for the applicant.

This implies the payment of any sum awarded by the Court as **just satisfaction** or agreed between the parties in a friendly settlement. Default interest is due in case of late payment.

When mere monetary compensation cannot adequately erase the consequences of a violation, the Committee of Ministers makes sure that the authorities take any other **individual measures** which may be required to remedy the violation. The judgments themselves contain on occasion additional recommendations.

Examples of individual measures taken

Restoration of contacts (subject to the best interest of the child) between children and parents unduly separated from them (e.g. in case of children placed in foster care or kidnapped by the other parent).

Reopening of unfair criminal proceedings.

Revocation of expulsion orders that would have exposed the applicants to risks of torture or ill-treatment, or life threatening circumstances in the country of destination.



General measures

The execution of judgments also requires **general measures** to prevent violations similar to those found by the Court (whether through changes of legislation, case law or through other kinds of measures). Ensuring the effectiveness of **domestic remedies** is an important concern.

Where domestic authorities give **direct effect** to the Court's judgments and jurisprudence, publication and dissemination of the judgments, where necessary translated and commented, is frequently sufficient to achieve necessary changes and to ensure effective domestic remedies.

Examples of general measures taken

Introduction of effective remedies against excessive length of court proceedings.

Removal of discrimination against children born out of wedlock (e.g. in inheritance matters).

Adoption of legislation to prevent arbitrary recourse to telephone-tapping.

Lifting of undue restrictions on journalists' freedom of expression.



The procedure

The Committee of Ministers ensures continuous supervision of the execution of judgments and decisions of the European Court of Human Rights. Cases remain under supervision until the required measures have been taken. Supervision is then closed by a final resolution.

Once judgments and decisions become final, the states indicate to the Committee of Ministers as soon as possible the measures planned and/or taken in an **“action plan”**. Once all the measures have been taken, an **“action report”** is submitted. During the supervision process, communications can be submitted in writing by applicants, NGOs, National Institutions for the promotion and protection of Human Rights, international intergovernmental organisations or their bodies or agencies whose aims and activities include the protection or the promotion of human rights.

The supervision of the adoption and implementation of action plans has followed a new twin-track procedure since January 2011. Most cases follow the **standard procedure**. An **enhanced procedure** is used for cases requiring urgent individual measures or revealing important structural problems (in particular pilot-judgments) and for inter-state cases.

Where necessary, the Committee of Ministers may assist execution in different ways, notably through recommendations set out in decisions and interim resolutions. The Department for the Execution of Judgments can provide states with additional support in the form of targeted programs where so requested (e.g. legal expertise, round tables or training activities). Support can also be provided through the **Human Rights Trust Fund (HRTF)**.

Further information

HUDOC EXEC

<http://hudoc.exec.coe.int/eng/>

HUDOC-EXEC provides easy access through a single interface to decisions adopted and documents relating to the execution process in cases transmitted to the Committee of Ministers. It allows searching by a number of criteria (state, type of document, supervision track, violations, themes, etc.).

Country factsheets

A state by state overview of the execution of judgments of the Court

The Department for the Execution of the European Court's judgments published country factsheets which present a state by state overview of the main issues raised by judgments and decisions of the Court in cases transmitted for supervision of their execution by the Committee of Ministers. The factsheets are updated regularly and available on the Department's website (link below).

Annual reports

The annual reports of the Committee of Ministers present the state of execution of the main judgments of the European Court of Human rights by member states of the Council of Europe. It provides detailed statistics and information concerning new cases, pending cases and cases closed during the year.

All these documents and tools are available on the website of the Department for the Execution of Judgments of the European Court of Human Rights:

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This document was prepared by the Department for the Execution of Judgments of the European Court of Human Rights for information purposes. It does not bind the Committee of Ministers.