The procedure

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Further information

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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.

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.

General measures

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

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