



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Committee of Ministers
Comité des Ministres

**Recommendation CM/Rec(2008)2
of the Committee of Ministers to member states
on efficient domestic capacity for rapid execution of judgments of the European Court of Human Rights**

*(Adopted by the Committee of Ministers on 6 February 2008
at the 1017th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

- a. Emphasising High Contracting Parties' legal obligation under Article 46 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (hereafter referred to as "the Convention") to abide by all final judgments of the European Court of Human Rights (hereinafter referred to as "the Court") in cases to which they are parties;
- b. Reiterating that judgments in which the Court finds a violation impose on the High Contracting Parties an obligation to:
 - pay any sums awarded by the Court by way of just satisfaction;
 - adopt, where appropriate, individual measures to put an end to the violation found by the Court and to redress, as far as possible, its effects;
 - adopt, where appropriate, the general measures needed to put an end to similar violations or prevent them.
- c. Recalling also that, under the Committee of Ministers' supervision, the respondent state remains free to choose the means by which it will discharge its legal obligation under Article 46 of the Convention to abide by the final judgments of the Court;
- d. Convinced that rapid and effective execution of the Court's judgments contributes to enhancing the protection of human rights in member states and to the long-term effectiveness of the European human rights protection system;
- e. Noting that the full implementation of the comprehensive package of coherent measures referred to in the Declaration "Ensuring the effectiveness of the implementation of the European Convention on Human Rights at national and European levels", adopted by the Committee of Ministers at its 114th Session (12 May 2004), is, *inter alia*, intended to facilitate compliance with the legal obligation to execute the Court's judgments;
- f. Recalling also that the Heads of State and Government of the member states of the Council of Europe in May 2005 in Warsaw underlined the need for an accelerated and full execution of the judgments of the Court;
- g. Noting therefore that there is a need to reinforce domestic capacity to execute the Court's judgments;
- h. Underlining the importance of early information and effective co-ordination of all state actors involved in the execution process and noting also the importance of ensuring within national systems, where necessary at high level, the effectiveness of the domestic execution process;

i. Noting that the Parliamentary Assembly recommended that the Committee of Ministers induce member states to improve or, where necessary, to set up domestic mechanisms and procedures – both at the level of governments and of parliaments – to secure timely and effective implementation of the Court’s judgments, through co-ordinated action of all national actors concerned and with the necessary support at the highest political level;¹

j. Noting that the provisions of this recommendation are applicable, *mutatis mutandis*, to the execution of any decision² or judgment of the Court recording the terms of any friendly settlement or closing a case on the basis of a unilateral declaration by the state;

RECOMMENDS that member states:

1. designate a co-ordinator – individual or body – of execution of judgments at the national level, with reference contacts in the relevant national authorities involved in the execution process. This co-ordinator should have the necessary powers and authority to:

- acquire relevant information;
- liaise with persons or bodies responsible at the national level for deciding on the measures necessary to execute the judgment; and
- if need be, take or initiate relevant measures to accelerate the execution process;

2. ensure, whether through their Permanent Representation or otherwise, the existence of appropriate mechanisms for effective dialogue and transmission of relevant information between the co-ordinator and the Committee of Ministers;

3. take the necessary steps to ensure that all judgments to be executed, as well as all relevant decisions and resolutions of the Committee of Ministers related to those judgments, are duly and rapidly disseminated, where necessary in translation, to relevant actors in the execution process;

4. identify as early as possible the measures which may be required in order to ensure rapid execution;

5. facilitate the adoption of any useful measures to develop effective synergies between relevant actors in the execution process at the national level either generally or in response to a specific judgment, and to identify their respective competences;

6. rapidly prepare, where appropriate, action plans on the measures envisaged to execute judgments, if possible including an indicative timetable;

7. take the necessary steps to ensure that relevant actors in the execution process are sufficiently acquainted with the Court’s case law as well as with the relevant Committee of Ministers’ recommendations and practice;

8. disseminate the vademecum prepared by the Council of Europe on the execution process to relevant actors and encourage its use, as well as that of the database of the Council of Europe with information on the state of execution in all cases pending before the Committee of Ministers;

9. as appropriate, keep their parliaments informed of the situation concerning execution of judgments and the measures being taken in this regard;

10. where required by a significant persistent problem in the execution process, ensure that all necessary remedial action be taken at high level, political if need be.

¹ Parliamentary Assembly Recommendation 1764 (2006) – “Implementation of the judgments of the European Court of Human Rights”.

² When Protocol No. 14 to the ECHR has entered into force.