

COUNCIL OF EUROPE
COMMITTEE OF MINISTERS

**Recommendation No. R (2000) 2
of the Committee of Ministers to member states
on the re-examination or reopening of certain cases at domestic level
following judgments of the European Court of Human Rights** ^{footnote 1}

*(Adopted by the Committee of Ministers
on 19 January 2000
at the 694th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,
Considering that the aim of the Council of Europe is to bring about a closer union between its
members;
Having regard to the Convention for the protection of Human Rights and Fundamental Freedoms
(hereinafter "the Convention");

Noting that under Article 46 of the Convention on Human Rights and Fundamental Freedoms ("the
Convention") the Contracting Parties have accepted the obligation to abide by the final judgment of the
European Court of Human Rights ("the Court") in any case to which they are parties and that the
Committee of Ministers shall supervise its execution;

Bearing in mind that in certain circumstances the above-mentioned obligation may entail the adoption
of measures, other than just satisfaction awarded by the Court in accordance with Article 41 of the
Convention and/or general measures, which ensure that the injured party is put, as far as possible, in
the same situation as he or she enjoyed prior to the violation of the Convention (*restitutio in integrum*);

Noting that it is for the competent authorities of the respondent State to decide what measures are most
appropriate to achieve *restitutio in integrum*, taking into account the means available under the national
legal system;

Bearing in mind, however, that the practice of the Committee of Ministers in supervising the execution
of the Court's judgments shows that in exceptional circumstances the re-examination of a case or a
reopening of proceedings has proved the most efficient, if not the only, means of achieving *restitutio in
integrum*;

I. Invites, in the light of these considerations the Contracting Parties to ensure that there exist at
national level adequate possibilities to achieve, as far as possible, *restitutio in integrum*;

II. Encourages the Contracting Parties, in particular, to examine their national legal systems with a
view to ensuring that there exist adequate possibilities of re-examination of the case, including
reopening of proceedings, in instances where the Court has found a violation of the Convention,
especially where:

(i) the injured party continues to suffer very serious negative consequences because of the outcome of
the domestic decision at issue, which are not adequately remedied by the just satisfaction and cannot be
rectified except by re-examination or reopening, and

(ii) the judgment of the Court leads to the conclusion that

(a) the impugned domestic decision is on the merits contrary to the Convention, or

(b) the violation found is based on procedural errors or shortcomings of such gravity that a serious
doubt is cast on the outcome of the domestic proceedings complained of.