

Resolution No. 1

Chisinau, Moldova
20 September 2016

Resolution
on the execution of judgements issued by the European Court of Human Rights
regarding human rights violations
in conflict areas of the Eastern Partnership countries

adopted at the Conference

“On the frontline: human rights situation in the Eastern Partnership countries”

The participants of the Conference are deeply concerned about the behaviour of the respondent States regarding the execution of judgements issued by European Court of Human Rights (hereinafter – the Court, ECtHR).

We emphasize the need for the Committee of Ministers of the Council of Europe, the Department for the Execution of Judgments and the States concerned to increase efforts in execution of the ECtHR judgments regarding violations of human rights in conflict areas, taking into consideration the core principles of human rights and the general principles on the obligation of states to execute the judgments, and the leading role of the international justice.

We reaffirm that under the mechanism of the European Convention on Human Rights (ECHR), Article 46-1 provides that States have the obligation to execute the ECtHR judgments, namely: the obligation to execute the violated obligation, put an end to the international wrongful act, repair the prejudice and prevent future similar violations, responding states are required to adopt individual and general measures.

The adoption of these measures is of paramount importance for the protection of human rights in conflict areas for two main reasons:

- Firstly, it ensures that the rights of individuals under the Convention are fully protected.
- Secondly, it prevents repetitive cases from being lodged in Strasbourg.

However, the execution of judgments by States has proven to be unsatisfactory, either because the adopted measures are not adequate, or because some States are openly unwilling to abide by the Court’s judgments and try to politicize the process.

Thus, as of 20 September 2016, the majority of cases on human rights violations in conflict areas of the Eastern Partnership countries pending before the Committee of Ministers for the supervision of the execution, were not executed. 90 per cent of them are leading cases,

i.e. cases which have been identified as revealing a new systemic/general problem in a respondent State, which had been pending for more than five years.¹

In these circumstances it should be stated that the full execution of judgments helps to enhance the Court's prestige and the effectiveness of its action and has the effect of limiting the number of submitted applications.² The Committee of Ministers has also made it clear that respecting judgments is one of the conditions of membership in the Council of Europe.³

The competent bodies should understand that States that fail to cooperate with the Committee of Ministers regarding the execution of the Court's judgements, should face real sanctions and suffer the consequences.

The participants of the Conference formulated the common position regarding the execution of the judgments on violations of the human rights in conflict areas issued by the ECtHR and developed the following recommendations:

- To increase efforts of the States concerned, of the Committee of Ministers and the Department for the execution of the Court's judgments;
- To reduce the political factor in the process of the execution of judgements of the ECtHR;
- To promote an efficient dialogue between the respondent States and the Committee in order to ensure constructive support for the national execution processes wherever needed;
- To establish as a fundamental condition to further advance the execution of controversial or politically sensitive judgments by establishing dialogue with key interlocutors;
- To organize outside of the Committee of Ministers, high-level dialogues in order to transcend the strict execution framework and to address other issues linked to the execution process;
- To increase efforts of the Secretary General in intervening personally, in particular to convey certain messages or raise execution issues during his contacts with the authorities of the respondent States.

The participants of the Conference express their confidence that this resolution will serve as a solid basis for further work to improve, support and protect human rights in conflict areas.

¹ See for example, *Catan and Others v. the Republic of Moldova and Russia* ([GC], nos. 43370/04, 8252/05 and 18454/06, §§ 8-42, ECHR 2012

² CM (2006) 203, 15 November 2006, §25. See also the final resolution in the case of *Stran Greek Refineries and Stratis Andreadis v. Greece* (Final Resolution DH (97) 184)

³ See the interim resolutions in the cases of *Loizidou v. Turkey* (ResDH (2001) 80), and *Ilaşcu and others v. Moldova and the Russian Federation*.