



**ROUND-TABLE:  
RECOMMENDATION (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**

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*The views expressed are those of the author only.*

## **COOPERATION WITH OTHER ACTORS TO ENSURE TRANSLATION AND DISSEMINATION OF THE EUROPEAN COURT'S CASE-LAW AND DOCUMENTS OF THE COMMITTEE OF MINISTERS**

Taking into consideration the importance for the execution of judgments of the ECHR of the process of improving the access to the Strasbourg Court's case-law and documents of the Committee of Ministers, the goal of my presentation is to summarize the principal means by which we realize their translation and dissemination.

Consequently, I will try to answer of the following main questions: Who ensures the translation?, How we realize the dissemination?, How many and what kind of actors are involved in these processes?

In virtue of a Protocol of collaboration signed to that effect between the institution of Government Agent, the Superior Council of Magistracy and the European Institute of Romania, the translation of the European Court's case-law is ensured by the latter. The European Institute of Romania is a public institution, whose key areas are studies, training, translation (linguistic and legal revision) and communication, in the field of European Affairs. The case-law to be translated is chosen by the institution of Government Agent.

According to the relevant legislation in the field, the institution of the Government Agent may request the publication of ECHR decisions and judgments concerning Romania in the Official Journal. As a rule, the judgments revealing structural problems or special issues (for example, problems with which the Court had not dealt before with respect to Romania) are published in the Official Journal.

Also, the applicant in a case in which the European Court rendered a judgment by which it held that there had been a violation of the Convention may request the free publication of the judgment in the Official Journal, in view of lodging a request for revision of the domestic judgment. In this case, the ECHR judgment is published within 3 months from the date of the registration of the request.

The case-law published in the Official Journal is revised by the Government Agent.

Moreover, the translations are published on the website of the institute who ensures the translation ([www.ier.ro](http://www.ier.ro)) and on the website of the High Court of Cassation and Justice ([www.scj.ro](http://www.scj.ro)) in Romanian, French and English. It is also published on the website of the Superior Council of Magistracy ([www.csm1909.ro](http://www.csm1909.ro)).

In addition, judgments against Romania are published in several widespread legal journals. Moreover, they are disseminated to courts, the Superior Council of Magistracy and other authorities specifically concerned/involved in the case.

For example, the legal journal of the National Institute of Magistracy ("*Themis*"), which is distributed freely to the judges and prosecutors, includes also judgments of the courts applying the Convention and the jurisprudence of the ECHR. Other legal journal doing so is "The judicial messenger" and the revue issued periodically by the Superior Council of Magistracy ("*Justice News*").

The Romanian Institute of Human Rights has translated and published Mr. Vincent Berger's book "European Court of Human Rights' case-law".

All judgments concerning Romania were also presented in two volumes (“*Judgments of ECHR rendered in cases against Romania between 1994-2009. Analysis. Consequences. The authorities responsible*» and “*Judgments of ECHR rendered in cases against Romania in 2010. Analysis. Consequences. The authorities responsible*”). Concerning these volumes, it is to be noted that, aside the translations, the judgments were analyzed by the authors from the perspective of the authorities responsible for the violation of the Convention. This project was supported by two associations of magistrates (the Association of European Magistrates for Human Rights and the Association Forum of Judges of Romania), by Romanian Academy and University Publishing House.

The aforementioned associations of magistrates have also developed a project (Jurisclasar CEDO), by means of an internet site ([www.hotararicedo.ro](http://www.hotararicedo.ro)). The project includes two different sections: an online journal publishing articles concerning the ECHR’s case-law, relevant judgments rendered by the ECHR against Romania, judgments concerning other states which are relevant also for the Romanian law, inadmissibility decisions, news in the field of human rights, reviews etc together with a database containing all violation judgments rendered by the ECHR against Romania and a search engine allowing the use of different search criteria.

It is worth mentioning that a protocol of collaboration has been signed by the institution of Government Agent, the two abovementioned associations of magistrates, the Romanian Academy, and the University Publishing House. Improving the project Jurisclasar CEDO is one of the goals of the collaboration.

A Protocol signed between the Ministry of Foreign Affairs and the National Institute of Magistracy dates from November 2003 and concerns the cooperation concerning the formation of justice auditors and the continuous formation of magistrates in the field of the protection of human rights. The abovementioned institute has, as part of its core curriculum for the second year of studies, the subject “European Convention on Human Rights”. The subject is also taught at the National Institute for the Preparation of Lawyers. The purpose is to allow law professionals to become familiarized with the ECHR case-law and, particularly, with the case-law issues concerning Romanian legislation and practice, as part of the broader effort of dissemination of the ECHR case-law.

Information on case-law concerning Romania and on other aspects related to the ECHR (such as how to fill in an application form to the Court) are also available on the internet site of the Information Bureau of the Council of Europe, [www.coe.ro](http://www.coe.ro) and on that of the Ministry of Foreign Affairs – institution of the Government Agent – [www.mae.ro](http://www.mae.ro). The ECHR’s *Practical guide on admissibility criteria* was also translated and published on the latter website.

As for the decisions, resolutions, recommendations and annual reports from the Committee of Ministers, awareness is raised by means of their dissemination in the context of the consultation and cooperation with the authorities concerning the enforcement of the Strasbourg Court’s judgments and decisions.

With regard to annual reports, the institution of the Government Agent issues press releases concerning the conclusions reached by the Committee of Ministers concerning Romania, including detailed statistics on the situation of Romania in the field of execution of the Strasbourg Court’s judgments.

The translation of the resolutions and recommendations of the Committee of Ministers was ensured by the Romanian Institute of Human Rights. They were published in a volume and also on the web site of this institute ([http://www.irdo.ro/file.php?fisiere\\_id=539&inline](http://www.irdo.ro/file.php?fisiere_id=539&inline)).