



**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.

Awareness-raising and dissemination of the Court's case-law amongst the authorities and the judiciary, including the Constitutional Court

As to the subject matter of my presentation, I would like to draw your attention to the issue of the awareness-raising and dissemination of the European Court's case-law amongst the authorities and the judiciary, including the Constitutional Court in the Slovak Republic.

Firstly, let me mention that in the Slovak Republic the domestic bodies are under constitutional obligation to apply the Convention directly. If the Convention provides for a larger scope of constitutional rights and freedoms it has precedence over national legislation. For this reason it is necessary to ensure that domestic authorities first know and secondly respect the European Court's case-law. In this context, the extended information on judgments of the European Court becomes more significant.

Therefore, in scope of execution of a specific judgment in the Slovak Republic, the judgments are translated into the Slovak language and through minister of justice's or government agent's letter distributed to the domestic bodies concerned, in particular to the courts. The domestic bodies must also be acquainted with judgments of the European Court against other states, since they may also affect the Slovak application practice with regard to their interpretation powers. The general information on the case-law of the European Court is provided through publication of judgments in the journal for judicial practice named "The Judicial Revue" (Justičná revue) the publisher of which is the Ministry of Justice. This journal publishes the Slovak translations of all the judgments and selected admissibility decisions against the Slovak Republic, as well as the Slovak translations of selected judgments against other states significant from the point of view of evolution of the European Court's case law. As to the last mentioned information the number of the translated judgments concerning the other states represents more than 760 between 1999 and 2010.

All the translations are made by the Ministry of Justice staff, the judgments and decisions against the Slovak Republic are translated by the Office of the Agent of the Government of the Slovak Republic before the European Court, and the government agent also selects for publication all significant admissibility decisions. This journal is distributed to all courts in the Slovak Republic and is equally available to barristers, public prosecutors and other legal professions, including the public at large. The Committee of Ministers recommendations and their Slovak versions are published on the website of the Ministry of Justice.

As to the actual development concerning dissemination I would like to mention that the Ministry of Justice of the Slovak Republic in cooperation with the Ministry of Justice of the Czech Republic plans in the near future to publish all translated judgements against these two states at the websites of both ministries.

Furthermore, the government agent drafts an activity report by the end of March each year, which the Minister of Justice submits to the Government and the Parliamentary Committee on Human Rights, Nationalities and the Status of Women. In addition to outlining his or her activities during the previous year and providing statistical data on applications filed against the Slovak Republic, in the report reference is made to important decisions by the European Court and the situation with regard to the execution of judgments and also suggests possible solutions at national level. The report is subsequently published on the Government Office and Ministry of Justice websites, featuring among others brief descriptions of judgments against the Slovak Republic delivered by the European Court in the previous year. It also gives the government agent an opportunity to point out problematic issues highlighting shortcomings in terms of respect for human rights at national level.

Further, to the awareness-raising of the European Court's case-law, in my opinion, it is desirable, to use the knowledge and expertise of the government agent as much as possible. In the Slovak Republic the government agent and co-agent as the external members of the Pedagogic department of the Judicial Academy are lecturing regularly at seminars for judges, senior court officers and prosecutors about the European Court's case-law and the Committee of Ministers' practise.

Demand for such seminars and Slovak translations of the European Court's admissibility decisions and judgements has considerably increased following the introduction of a new effective constitutional domestic remedy on 1 January 2002. This remedy enables individuals to complain to the Constitutional Court on the violation of their rights guaranteed under the Convention in proceedings before the domestic authorities. The reasons of this development are the new important powers of the Constitutional Court in comparison with the past. If it finds violation of a person's rights or freedoms, the Constitutional Court may among others quash the final decision, measure or act of the authority concerned, order to take the necessary action and grant appropriate financial compensation to this person.

However, after introduction of this remedy the European Court identified in the Constitutional Court's practise certain insufficiencies. For this reason the government agent is also in intensive contact with the Constitutional Court with a view to harmonise the case-law thereof with the European Court's.

The president of the Constitutional Court regularly organises meetings with the participation of the Slovak judge at the European Court, the government agent and Constitutional Court's judges aimed to obtain the relevant information about the actual case-law of the European Court and discuss the problematic issues. The government agent prepares for this sort of meetings the summary of Slovak cases grouped according to the specific problem identified by the European Court. The positive result of such meetings was obtained by harmonising of the Constitutional Court's practise with the European Court's in many problematic domains, which was approved by the Committee of Ministers in the execution process.