

Resolution CM/ResDH(2024)313 Execution of the judgment of the European Court of Human Rights Fernandes de Oliveira against Portugal

(Adopted by the Committee of Ministers on 5 December 2024
at the 1514th meeting of the Ministers' Deputies)

Application No.	Case	Judgment of	Final on
78103/14	FERNANDES DE OLIVEIRA	31/01/2019	Grand Chamber

The Committee of Ministers, under the terms of Article 46, paragraph 2, of the Convention for the Protection of Human Rights and Fundamental Freedoms, which provides that the Committee supervises the execution of final judgments of the European Court of Human Rights (hereinafter “the Convention” and “the Court”),

Having regard to the final judgment transmitted by the Court to the Committee in this case and to the violation of the procedural limb of Article 2 of the Convention established on account of the excessive length of extra-contractual civil liability proceedings brought by the applicant before the administrative courts regarding allegations of medical negligence;

Recalling the respondent State's obligation, under Article 46, paragraph 1, of the Convention, to abide by all final judgments in cases to which it has been a party and that this obligation entails, over and above the payment of any sums awarded by the Court, the adoption by the authorities of the respondent State, where required:

- of individual measures to put an end to violations established and erase their consequences so as to achieve as far as possible *restitutio in integrum*; and
- of general measures preventing similar violations;

Having invited the government of the respondent State to inform the Committee of the measures taken to comply with the above-mentioned obligation;

Having examined the information provided by the government indicating the individual and general measures adopted to execute the judgment including the information provided regarding the payment of the just satisfaction awarded by the Court (see documents DH-DD(2021)275 and DH-DD(2022)1119);

Considering that the question of individual measures was resolved, given that the just satisfaction awarded by the Court for non-pecuniary damage and costs and expenses was paid and the domestic proceedings concerned had been concluded at the time the judgment of the Court became final;

Noting the remedial actions adopted and envisaged in response to the shortcomings found by the Court in this judgment; recalling that the question of general measures continues to be examined, also in the light of the Court's findings in this case, within the framework of the group of cases *Vicente Cardoso v. Portugal*;

Noting that the closure of this case therefore in no way prejudices the Committee's evaluation of the general measures required;

DECLARES that it has exercised its functions under Article 46, paragraph 2, of the Convention in this case;

CONCLUDES that the necessary individual measures have been adopted;

DECIDES to continue to supervise the adoption of the necessary general measures required to address the excessive length of judicial proceedings before the administrative courts in the *Vicente Cardoso v. Portugal* group of cases;

DECIDES to close the examination of this case.