

Speaking points for the Opening of International high-level Conference ‘Better Enforcement of Judicial Decisions: A Human Rights and Rule of Law Requirement’

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Room 8, Palais de l’Europe, Strasbourg, France

Minister, Excellencies, Distinguished Judges and Lawyers, Representatives of Academia, Ladies and Gentlemen,

It is a pleasure to welcome you all to this conference, organised by the Council of Europe together with the Luxembourg Presidency of the Committee of Ministers;

As you know, this conference is about ensuring in practice that judicial decisions are enforced – in full, and in a timely fashion.

It may sound as a technical matter, but it is a fundamental one – actually one of the most important elements of the Rule of Law. Without real, effective enforcement of domestic decisions, there is no Rule of Law.

The focus here is on the right to a fair trial, a cornerstone of the rule of law and democracy. Because efficient and full execution of final, binding court decisions is crucial to this right: it is part of the “right to a court” under Article 6 of the European Convention on Human Rights.

This right is hollow if judgments are not enforced. And failure to implement judicial decisions means that the rights under the Convention cannot be enforced.

As rightly noted by Minister, the case law of the Strasbourg Court, since its very first rulings on the matter, has been instrumental in shaping our understanding of what kind of enforcement of judicial decisions is required under the Convention. It is also very clear as to what remedies states must adopt to allow individuals to challenge the non-enforcement or delayed enforcement of judicial decisions.

But while the key legal principles relating to enforcement of judgments are clear under the Convention – and in a couple of minutes, we will start with a great panel reminding us of these principles -, their implementation in real terms is not necessarily so easy:

- What, very concretely, do the judgments of the Court require in *practice*?
- How can good *practice* transform into “soft law” standards and which solutions can be offered by the standards themselves?
- Is there may be a need for new or updated standards?

With this conference, our aim is to offer a dynamic platform to discuss all of this with experts from different fields - and also to offer solutions as to the way forward.

Of course we don't start from scratch. Whether in the context of the execution of the judgments of the Court, the relevant recommendations of the Committee of Ministers, Guidelines from the European Commission for the Efficiency of Justice (CEPEJ) or the best practices identified during our cooperation activities, we have a wealth of expertise and technical solutions that are relevant in this context - and will surely inform today's discussions.

I will stop here; before that though, Minister, allow me to thank very much you and the Luxembourg Presidency for co-hosting this important event and for the dedication you have shown to this important subject.

- Thank you for your attention, and I wish you all fruitful discussions.