

Resolution CM/ResDH(2016)194
Execution of the judgment of the European Court of Human Rights
Cudak against Lithuania

Application No.	Case	Judgment of	Final on
15869/02	CUDAK	23/03/2010	23/03/2010

*(Adopted by the Committee of Ministers on 6 September 2016
at the 1263rd meeting of the Ministers' Deputies)*

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 established;

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 measures adopted in order to give effect to the judgment including the information provided regarding the payment of the just satisfaction awarded by the Court (see the Appendix);

Having satisfied itself that all the measures required by Article 46, paragraph 1, have been adopted,

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

DECIDES to close the examination thereof.

Appendix to Resolution CM/ResDH(2016)194

Information on the measures taken to comply with the judgment in the case of Cudak against Lithuania

Introductory case summary

The case concerns the violation of the applicant's right of access to court on account of the courts' refusal, based on State immunity, to examine in 2001 a claim for compensation for unlawful dismissal lodged by an employee of the Polish Embassy in Vilnius (violation of Article 6 § 1).

I. Payment of just satisfaction and individual measures

a) Details of just satisfaction

Name and application number	Pecuniary damage	Non-pecuniary damage	Costs and expenses	Total
Cudak (15869/02)	10 000 EUR		-	10 000 EUR
				Paid on 24/05/2010

b) Individual measures

The European Court awarded the applicant just satisfaction in respect of pecuniary and non-pecuniary damage, which was paid within the deadline.

Following a reopening of the proceedings at the applicant's request, her claim for compensation for unlawful dismissal was examined. By a final decision of 11 November 2011 the Court of Appeal of Lithuania granted the applicant's claim and awarded her compensation against the Polish embassy.

In these circumstances, the Lithuanian authorities consider that no other individual measure is necessary in this case.

II. General measures

The judgment of the European Court has been translated and published. It has also been disseminated, together with an explanatory note, to all the relevant institutions and all the domestic courts. The Lithuanian authorities consider that these measures are sufficient in response to the violation of the right to access to court, as this case represents an isolated incident. Furthermore, it is recalled that the Convention enjoys direct effect in the domestic legal order.

III. Conclusions of the respondent State

The government considers that the measures taken have fully erased the consequences for the applicant of the violation of the Convention found by the European Court in this case, that these measures will prevent new similar violations in future and that Lithuania has therefore complied with its obligations under Article 46, paragraph 1, of the Convention.