

Bridging the Enforcement Gap: The International Compensation Mechanism for Ukraine and the Execution of ECtHR Judgments against Russia

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International cooperation under the ECHR:

Sources, limits and enforceability of State obligations

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Execution of ECtHR judgments

- **Article 46 ECHR:** Russia remains bound by final judgments concerning violations within the Court's jurisdiction. The Committee of Ministers supervises execution.
- In **Ukraine and the Netherlands v Russia** (9 July 2025), the Court reserved just satisfaction while taking account of the emerging compensation mechanism.
- **PACE Recommendation 2315** (30 September 2026) proposes a funding mechanism for ECtHR just satisfaction, with disbursements credited against Russia's debt.
- The mechanism has a **separate legal basis** and permits participation beyond the ECHR system. The Commission will exercise its own mandate.

ICM for Ukraine: Legal Basis

- **UNGA Resolution ES-11/5** of 14 November 2022, entitled “**Furtherance of remedy and reparation for aggression against Ukraine**”.
- CM CoE Resolution CM/Res(2023)3 of 12 May 2023, establishing **the Enlarged Partial Agreement on the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine**, as confirmed by Resolution CM/Res(2025)3 of the Committee of Ministers of 9 July 2025.
- **The Convention establishing an International Claims Commission for Ukraine** (not yet in force).

ICM for Ukraine: Legal Basis

UNGA Resolution ES-11/5 of 14 November 2022, entitled “Furtherance of remedy and reparation for aggression against Ukraine”:

- Recognizes that the Russian Federation **must be held to account** for any violations of international law in or against Ukraine, including its aggression in violation of the Charter of the United Nations, as well as any violations of international humanitarian law and international human rights law, and that it must bear the legal consequences of all of its internationally wrongful acts, including making reparation for the injury, including any damage, caused by such acts;
- Recognizes also the need for the establishment, in cooperation with Ukraine, of **an international mechanism for reparation for damage, loss or injury**, and arising from the internationally wrongful acts of the Russian Federation in or against Ukraine;
- Recommends the creation by Member States, in cooperation with Ukraine, of **an international register of damage** to serve as a record, in documentary form, of evidence and claims information on damage, loss or injury to all natural and legal persons concerned, as well as the State of Ukraine, caused by internationally wrongful acts of the Russian Federation in or against Ukraine, as well as to promote and coordinate evidence-gathering.

International Compensation Mechanism for Ukraine



Register of Damage Caused by the Aggression of the Russian Federation against Ukraine

The Register serves as a record, in documentary form, of evidence and claims information on damage, loss or injury caused:

- On or after 24 February 2022;
- In the **territory of Ukraine**;
- To all **natural and legal persons concerned, as well as the State of Ukraine**;
- By the Russian Federation's **internationally wrongful acts** in or against Ukraine.



Categories of Claims



A. Natural persons



B. State of Ukraine



C. Legal entities

A1. Involuntary displacement

A2. Violation of personal integrity

A3. Loss of property, income or livelihood

A4. Loss of access to public services

B1. Damage or destruction of property

B2. Damage, destruction, or loss of objects or buildings of cultural value

B3. Damage to environment and natural resources

B4. Humanitarian public expenditures to support the affected population

B5. Demining and clearance of unexploded ordnance

C1. Damage or destruction of property

C2. Damage, destruction, or loss of objects or buildings of cultural value

C3. Business and other economic losses

C4. Humanitarian expenditures

For the full list and exact titles, see Categories of Claims on the Register's website

International Claims Commission for Ukraine

- An administrative body that will **decide claims** for compensation for damage, loss or injury*.
- Being established within the institutional framework of **the Council of Europe**.
- At present, **41 signatories** to the Convention, including **11 ratifications**.
- **Entry into force of the Convention** requires **25 ratifications** and sufficient funding.
- Following the Convention's entry into force, **the Register of Damage will transfer its work to the Commission**, which will become the Register's **successor**.

Differences between the Mandates

- **Time:** the ECtHR can examine ECHR violations *up to 16 September 2022*. The Claims Commission covers internationally wrongful acts committed *on or after 24 February 2022*: a possible extension to 20 February 2014 requires an amendment adopted by the Assembly and ratified, accepted or approved by all Members.
- **Subject matter:** *ECHR and Protocol* violations before the ECtHR. The Claims Commission also assesses *other violations of IHL and IHRL*.
- **Claimants:** the Claims Commission expressly *includes* natural and legal persons and the State of Ukraine, its regional and local authorities and State-owned or controlled entities. Article 34 ECHR *excludes* governmental organisations.



Source: hromadske

Possible Coordination

- **Article 19(1) Commission Convention:** the Panels and Council shall take into account relevant ECtHR judgments, as appropriate. Eligibility, causation and quantum remain for the Commission to determine.
- **Article 19(3) Commission Convention** requires measures against double compensation.
- **Proposed role:** the ICM may be the principal avenue for eligible compensation claims, subject to effective access, workable procedures and funded redress. Where an ECtHR award identifies beneficiaries and establishes satisfaction, enable payment without requiring each victim to lodge a new compensation claim.