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Ensuring the viability of the Strasbourg Court: structural deficiencies in States Parties

Motion for a resolution
tabled by Mr Holger HAIBACH and other members of the Assembly

This motion has not been discussed in the Assembly and commits only those who have signed it

The European Court of Human Rights is confronted with a massive backlog of cases, which undermines its effectiveness. As of late 2009, there were 119,300 cases pending before the Court.

The large majority of cases decided by and pending before the Court were brought against a small number of countries. In 2009, 74% of the Court's judgments concerned only eight states. A factor contributing to the backlog is the high number of applications related to structural issues already identified and where a well-established case law exists. These repetitive or clone cases accounted for 73% of Court judgments in 2009. In addition to representing a disproportionate percentage of the total number of cases pending before the Court, the eight persistent defaulters are defendants in the bulk of repetitive cases. Five of these states have still each between 500 and 5,500 repetitive cases pending in Strasbourg.

Despite Recommendation 1764 (2006) – requesting that the Committee of Ministers increase pressure and take firmer measures in cases of continuous non-compliance with a European Court of Human Rights judgment due to either refusal, negligence, or incapacity to take appropriate measures – the unacceptable situation persists.

The Parliamentary Assembly should itself undertake and also insist on regular and stringent national parliamentary supervision of Strasbourg Court judgments to ensure that structural deficiencies are promptly and adequately dealt with.

Signed (see overleaf)

Signed[1]*:*

HAIBACH Holger, Germany, EPP/CD
BEMELMANS-VIDEC Marie-Louise, Netherlands, EPP/CD
CILEVIČS Boriss, Latvia, SOC
CONDE Agustín, Spain, EPP/CD
DAVITAIA Paata, Georgia, EDG
DENDIAS Nikolaos, Greece, EPP/CD
DÍAZ TEJERA Arcadio, Spain, SOC
DORIĆ Miljenko, Croatia, ALDE
ERR Lydie, Luxembourg, SOC
FARINA Renato, Italy, EPP/CD
FERIĆ-VAC Mirjana, Croatia, SOC
FLYNN Paul, United Kingdom, SOC
HERKEL Andres, Estonia, EPP/CD
HOLOVATY Serhiy, Ukraine, ALDE
KÜHNEL Franz Eduard, Austria, EPP/CD
LAAKSO Jaakko, Finland, UEL
MARTY Dick, Switzerland, ALDE
POURGOURIDES Christos, Cyprus, EPP/CD
SANÍN Luz Elena, Spain, EPP/CD
SASI Kimmo, Finland, EPP/CD
TÜRKEŞ Tuğrul, Turkey, EDG
TÜRKÖNE Özlem, Turkey, EPP/CD

1. ALDE: Alliance of Liberals and Democrats for Europe
EDG: European Democrat Group
EPP/CD: Group of the European People's Party
SOC: Socialist Group
UEL: Group of the Unified European Left