



**Doc. 12801**

30 November 2011

## Implementation of judgments of the European Court of Human Rights

**Reply to Recommendation<sup>1</sup>:** Recommendation 1955 (2011)  
Committee of Ministers

1. The Committee of Ministers has carefully examined [Recommendation 1955 \(2011\)](#) of the Parliamentary Assembly and expresses its appreciation of the interest the Assembly demonstrates in the Committee's obligation to fulfil as effectively as possible its mission under Article 46, paragraph 2, of the European Convention on Human Rights. The Committee wishes from the outset to reiterate its conviction that "rapid and effective execution of the Court's judgments contributes to enhancing the protection of human rights in member states and to the long-term effectiveness of the European human rights protection system".<sup>2</sup>
2. In particular, the Committee shares the Assembly's view concerning the importance of prioritising (paragraph 1.1). In this respect, it recalls that the necessity of providing priority treatment for the most important problems, in particular cases involving urgent individual measures and those revealing systemic problems, has been a constant concern in the Committee of Ministers' practice, as reflected in its Rules for the supervision of the execution of judgments and of the terms of friendly settlements (Rule 4).
3. Prioritisation has recently been improved in important respects in the context of the Interlaken process. In December 2010, the Ministers' Deputies adopted new working methods (1100th meeting) introducing a new, twin-track approach to the Committee's supervision function. The "enhanced" supervision procedure set out in this new approach covers urgent individual measures, pilot judgments, judgments disclosing major structural or complex problems as identified by the Court or the Committee of Ministers, in a manner which reflects the concerns expressed by the Assembly in its recommendation.
4. Having regard to the recommendation contained in paragraph 1.2, to the effect that the Committee of Ministers should "induce states...with structural problems to provide comprehensive strategies which outline a clear and detailed approach to executing Court judgments through action of all national actors concerned, coordinated at the highest political level", the Committee recalls that its supervision has over the last years increasingly been based on action plans (see notably [Recommendation CM/Rec\(2008\)2](#) on efficient domestic capacity for rapid execution of judgments of the Court). Moreover, the new working methods mentioned above fully integrate the necessity to draw up such plans or, where measures have been adopted, action reports. The kind of strategies referred to in the Assembly's recommendation are thus today regularly included in the action plans received by the Committee of Ministers in cases revealing major structural problems.
5. In its action plan, a respondent state will typically, in accordance with the principle of subsidiarity and the state's margin of appreciation as regards the means of execution, indicate to the Committee of Ministers the strategies adopted and the concrete actions it intends to take to meet its obligations under Article 46, i.e. adopted at the 1127th meeting of the Ministers' Deputies (23 November 2011) restore the applicant to his

---

1. adopted at the 1127th meeting of the Ministers' Deputies (23 November 2011)

2. See [CM/Rec\(2008\)2](#) on efficient means to be implemented at the internal level for a quick execution of the judgments of the European Court of Human Rights.



or her rights and to avoid other violations of the same kind. The authorities will then regularly inform the Committee of the progress made in the fulfilment of the plan and eventually submit an action report so that the Committee may satisfy itself that all necessary action has been taken.

6. As regards systemic problems, it should also be noted that the Department for the execution of judgments of the European Court of Human Rights has, in co-operation with States Parties, developed a range of co-operation activities designed to assist respondent states in identifying and adopting measures to overcome such problems. These activities include legislative advice, high-level consultations, training activities and the sharing of good practice through round tables with the participation of states having, or having had, similar problems. The Assembly may wish to note the important financial contribution of the Human Rights Trust Fund to the effective carrying out of such activities.

7. With regard to the question of domestic mechanisms mentioned in paragraph 1.3 of the recommendation, the Committee refers the Assembly to the series of recommendations adopted since 2000 to assist states, and in particular to Recommendation CM/Rec(2008)2 on efficient domestic capacity for rapid execution of judgments of the European Court of Human Rights, adopted in February 2008. These texts contain, besides general recommendations regarding the implementation of the Convention, specific recommendations to assist states in rendering the domestic execution process as efficient as possible. The implementation of these recommendations is regularly followed up in the context of the Committee of Ministers' supervision of execution. The Committee recalls in particular in this context that it has, like the Assembly, stressed the importance of co-ordinating efforts at high political levels.

8. The Committee of Ministers has considered the last two recommendations (paragraphs 1.4 and 1.5) in particular in the context of the efforts to guarantee the long-term effectiveness of the Convention system. They continue to be significant considerations for the regular supervision of execution. The Committee of Ministers recalls in this context the recent important addition to the means at its disposal provided by the entry into force of Protocol No. 14 on 1 June 2010.