



Resolution 1268 (2002)¹

Implementation of decisions of the European Court of Human Rights

Parliamentary Assembly

1. The Assembly refers to its [Resolution 1226 \(2000\)](#) on the execution of judgments of the European Court of Human Rights, in which it made a number of proposals for dealing with the problems arising from the non-execution of Court judgments.
2. It reiterates that correct implementation of the decisions of the Court by member states of the Council of Europe is of the utmost importance for conserving the present great authority of the Court's decisions.
3. Some of the solutions it proposed were for implementation at national level and others within the Council of Europe. Among the latter, the Assembly itself undertook to take a number of measures. It decided to regularly debate the execution of judgments, on the basis of a record which it would draw up, and to hold a debate within a year after the adoption of that resolution.
4. Its Committee on Legal Affairs and Human Rights compiled the above-mentioned record according to two criteria: the time elapsed since the Court's decision without its being implemented by the governments concerned and the urgency attaching to the implementation of certain decisions.
5. It wrote to eight national delegations asking them to prevail upon their respective governments to implement the unexecuted decisions, setting a three-month deadline for replies. The delegations concerned were those of Austria, Belgium, France, Greece, Italy, the Netherlands, Portugal and the United Kingdom.
6. Only three delegations replied within the deadline: Austria, Greece and the Netherlands. They described the measures that had been taken or were being taken to comply with the relevant Court decisions. Belgium, France and the United Kingdom replied subsequently.
7. Considering the high number of decisions against Turkey that have not been implemented, the Assembly instructs its Committee on Legal Affairs and Human Rights to confer with the national delegation of Turkey and with the Turkish Government and to report to the Assembly, by June 2002 at the latest, on the progress made. The Assembly envisages inviting the Turkish Minister for Justice to the June part-session to confer on this matter.
8. The Assembly is now able to take stock of one year's experience in reviewing the execution of Court judgments. The situation is varied: five delegations failed to respond to the requests made of them within the deadlines they had been set. Of these five delegations, three replied later and two did not reply.
9. However, it may be said that the experience is worth pursuing, as it is not only useful for the cases under consideration but also for the execution of decisions in general.
10. The procedure based on Assembly [Resolution 1226 \(2000\)](#) for monitoring by the Assembly of the progress made by the Committee of Ministers concerning the implementation of decisions of the Court is dependent on active participation by national delegations, because only they have the competence to call their governments to account within their own national parliamentary procedure. The Assembly therefore

1. Assembly debate on 22 January 2002 (3rd Sitting) (see [Doc.9307](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Jurgens). Text adopted by the Assembly on 22 January 2002 (3rd Sitting).



deplores the fact that national delegations which have been asked to intervene in relation to specific decisions have in some cases not responded (Italy and Portugal), have responded belatedly (France), or have not been able to respond in detail because of a lack of information supplied by their governments.

11. The Assembly accordingly again calls upon national delegations to monitor the execution of specific Court judgments concerning their governments through their respective parliaments and to take all necessary steps to ensure their speedy and effective execution.

12. It decides to continue the exercise started a year ago and instructs its Committee on Legal Affairs and Human Rights to continue to update the record of the execution of judgments and to report to it when it considers appropriate.