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

Reply to Recommendation¹: Recommendation 2007 (2013)
Committee of Ministers

1. The Committee of Ministers has carefully considered Parliamentary Assembly Recommendation 2007 (2013) entitled “Ensuring the viability of the Strasbourg Court: structural deficiencies in States Parties”. It can assure the Assembly that the future of the Court and its viability continue to be one of its main priorities. In the context of the follow-up to the Brighton Declaration, it has taken measures and is considering further measures aimed at responding to a number of the concerns raised by the Assembly. The Committee of Ministers would also like to highlight the considerable efforts made by the Court to streamline its procedures and increase its efficiency.

2. In the Brighton Declaration, the States Parties to the Convention affirmed their strong commitment to fulfilling their primary responsibility to implement the Convention at national level. In early 2013, the Steering Committee for Human Rights (CDDH) submitted a report to the Committee of Ministers showing that, since the process for reforming the Convention system was launched in Interlaken in 2010, States Parties to the Convention have taken various steps to improve its application at national level, including through awareness-raising activities such as publications on the Court’s case law or training on the standards laid down in the Convention. Information on the procedure for lodging an application with the Court and the criteria governing the admissibility of applications has been made available to the public. On the basis of its report, the CDDH made a number of recommendations for the attention of member States. The Committee of Ministers has endorsed these recommendations and invited member States to consider the action they could take in response to them. Moreover, the CDDH will prepare, before the end of 2013, conclusions and possible proposals for action on (i) ways to resolve the large number of applications arising from systemic issues identified by the Court and (ii) more effective measures in respect of States that fail to implement judgments of the Court in a timely manner.

3. In relation to paragraph 1.1 of the Assembly’s recommendation, the Committee of Ministers notes that considerable effort has been made to modernise the Court’s HUDOC database, *inter alia* through the introduction of advanced search options in 2012. Presently, the Execution database (CMIS) is being upgraded: a document management system will be integrated as well as a publication tool. The webpage will also get an improved and more user-friendly design. The Committee of Ministers notes that these efforts are instrumental to offer the best possible access to information regarding the Court’s case law and progress with the execution of its judgments and decisions.

4. The Committee of Ministers recalls that since January 2011, it follows a twin-track system for the supervision of the implementation of the judgements and decisions of the Court. Cases are examined either under a standard or an enhanced procedure. The indicators for cases to be examined under the enhanced supervision procedure include pilot judgments and judgments revealing major structural and/or complex problems. The Committee will continue to give priority to these cases (paragraph 1.2 of the Assembly recommendation). It shares the Parliamentary Assembly’s concern regarding major and structural deficiencies in States Parties, which undermine the effectiveness of the Convention system. The Committee of Ministers is

1. Adopted at the 1168th meeting of the Ministers’ Deputies (10 April 2013).



actively considering further measures to improve the supervision of the execution of the judgments and decisions of the Court. It has also given the Steering Committee for Human Rights a mandate in this respect and is expecting its proposals in the autumn (see paragraph 2 above). A report will be prepared for the 123rd Ministerial Session in May 2013 on the progress achieved so far. In this context, the Committee of Ministers would also like to draw the Assembly's attention to its consideration of the role of Council of Europe assistance activities. It has invited the Secretary General to prepare a document on the targeting and co-ordination of assistance activities before the summer, which will be relevant for its further work on this subject.

5. The Committee of Ministers welcomes the Assembly's proposal that statistical analyses be provided regularly with respect to progress made in the elimination of structural deficiencies, as identified by the Court and the Committee of Ministers (paragraph 1.3 of the Assembly recommendation). This is an issue which it will raise and consider notably in its contacts with the Court on methods and indicators for the assessment of results. It notes that important information is already available in its annual report on the supervision of the execution of the Court's judgements.

6. The Committee of Ministers' Ad hoc Working Party on Reform of the Human Rights Convention system (GT-REF.ECHR) recently held an exchange of views with the Director for Human Rights on the workload and activities of the Department for the Execution of Judgments. On this occasion, the staffing resources of the Secretariat were considered (paragraph 1.4 of the Assembly recommendation). The Committee of Ministers will give due consideration to this questions in the context of the preparation of the biennium 2014-2015.