Parliamentary Assembly
Assemblée parlementaire
https://pace.coe.int

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 13644
17 November 2014

Urgent need to deal with new failures to co-operate with the European Court of Human Rights

Reply to Recommendation[1]: Recommendation 2043 (2014)
Committee of Ministers

1. The Committee of Ministers has carefully examined Parliamentary Assembly Recommendation 2043 (2014) on the "Urgent need to deal with new failures to co-operate with the European Court of Human Rights", which it has transmitted to the Steering Committee for Human Rights (CDDH) for information and possible comments.

2. The Committee of Ministers recalls its Resolution CM/Res(2010)25 on member States' duty to respect and protect the right of individual application to the European Court of Human Rights ("the Court"), which called upon the member States to "take prompt and effective action with regard to any interim measures indicated by the Court so as to ensure compliance with their obligations under the relevant provisions of the Convention".

3. In April 2013, the Committee of Ministers took note of a report of the CDDH on interim measures under Rule 39 of the Rules of the Court and generally supported its conclusions. It noted in particular that a high number of interim measures are related to expulsions to other Council of Europe member States, and reminded all member States of their obligations under the Convention. On the same occasion, the Committee recalled that the Court's case law has clearly established that Article 34 of the Convention entails an obligation for States Parties to comply with an indication of interim measures made under Rule 39 of the Rules of Court and that non-compliance may imply a violation of Article 34 of the Convention. The Committee finally invited the Court and member States to consider the various proposals addressed to them in the CDDH report, and to inform the Committee of Ministers of their response.

4. The Court's response was considered by the Committee of Ministers in May 2014. The Committee took note of the downward trend as regards the number of interim measures requested and granted. It welcomed the measures taken by the Court to increase the efficiency of its system for the management and processing of these requests, in particular the centralised procedure for the handling of requests and the priority treatment given to them. It also welcomed the Court's strengthened dialogue with respondent governments on interim measures and encouraged it to continue to pursue this dialogue, including, when time allows, at the initial stage of examination of a request. Member States' responses to the CDDH report are due at the end of this year.

5. The Committee of Ministers notes that certain of the failures to respect indications of interim measures occurred after the adoption of Committee of Ministers' Resolution CM/Res(2010)25 and that some involved action that is illegal under domestic law. The Committee of Ministers and the member States must continue to search for adequate responses to such incidents. To conclude, it emphasises the importance of full implementation of the relevant measures contained in the Committee of Ministers' Guidelines on eradicating impunity for serious human rights violations adopted in 2011, where appropriate on account of the nature of the actions occurring at the domestic level.[2]

---

1. Adopted at the 1211th meeting of the Ministers' Deputies (12 November 2014).
2. CM/Del/Dec(2011)1110/4.8, Appendix 5.