Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

**Resolution 2178 (2017)**[1]

# Implementation of judgments of the European Court of Human Rights

Parliamentary Assembly

1. Since its Resolution 1226 (2000) on the execution of judgments of the European Court of Human Rights, the Parliamentary Assembly has been duty-bound to contribute to the supervision of the implementation of judgments of the European Court of Human Rights ("the Court"), on which the efficiency and authority of the human rights protection system based on the European Convention on Human Rights (ETS No. 5, "the Convention") depend. Primary responsibility for supervision of the implementation of Court judgments lies with the Committee of Ministers, in accordance with Article 46.2 of the Convention. However, the Assembly considers that it has a key role in this process, as it can encourage proactive involvement from national parliaments.

2. The Assembly recalls its previous work on this subject, in particular its Resolutions 2075 (2015), 1787 (2011) and 1516 (2006), its Recommendations 2079 (2015) and 1955 (2011) on the implementation of judgments of the European Court of Human Rights and its Resolution 1823 (2011) on national parliaments: guarantors of human rights in Europe.

3. Since last examining this question in 2015, it notes some progress in the implementation of Court judgments, notably the reduction in the number of judgments pending before the Committee of Ministers and the increased number of cases closed by final resolutions, including cases concerning structural problems such as excessive length of judicial proceedings, poor conditions in detention facilities and the lack of domestic remedies in this regard, non-enforcement of domestic judicial decisions or the unlawfulness or excessive length of detention on remand.

4. The Assembly welcomes the measures taken by the Committee of Ministers to make its supervision of the implementation of Court judgments more transparent, and the synergies that have been developed within the Council of Europe to make this process more rapid and effective.

5. However, the Assembly remains deeply concerned about the number of judgments pending before the Committee of Ministers, even though not all of these judgments are at the same stages of execution. It notes that there are nearly 10 000 such cases, and that the number of leading cases – revealing specific structural problems – awaiting execution for more than five years has increased. Nearly half of the cases under the "enhanced supervision" of the Committee of Ministers relate to violations of Articles 2 (right to life), 3 (prohibition of torture) and 5 (right to liberty and security) of the Convention.

6. The Assembly also notes that, even though considerable progress has been made since its Resolutions 1787 (2011) and 2075 (2015), Italy, the Russian Federation, Turkey, Ukraine, Romania, Hungary, Greece, Bulgaria, the Republic of Moldova and Poland have the highest number of non-implemented judgments and still face serious structural problems, some of which have not been resolved for over ten years.

7. The Assembly further notes that some cases involving other States Parties to the Convention also reveal "pockets of resistance", in particular concerning deeply ingrained political issues. The difficulties in implementing these judgments relate to the adoption not only of general measures (aimed at preventing fresh

1. *Assembly debate* on 29 June 2017 (26th Sitting) (see Doc. 14340, report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Pierre-Yves Le Borgn'). *Text adopted by the Assembly* on 29 June 2017 (26th Sitting).
See also Recommendation 2110 (2017).

violations) but also of individual measures (aimed at *restitutio in integrum* for applicants) or payment of just satisfaction. Moreover, the Assembly observes that in some States parties the execution of the Court's judgments is surrounded by bitter political debate as certain political leaders seek to discredit the Court and undermine its authority.

8. The Assembly once again deplores the delays in implementing the Court's judgments, the lack of political will to implement judgments on the part of certain States parties and all the attempts made to undermine the Court's authority and the Convention-based human rights protection system. It reiterates that Article 46.1 of the Convention sets out the legal obligation for the States parties to implement the judgments of the Court and that this obligation is binding on all branches of State authority.

9. Thus, the Assembly once again calls on the States parties to fully and swiftly implement the judgments and the terms of friendly settlements handed down by the Court and to co-operate, to that end, with the Committee of Ministers, the Court and the Department for the Execution of Judgments of the European Court of Human Rights, as well as with other Council of Europe organs and bodies where applicable. For this co-operation to be fruitful, the Assembly recommends that the States parties, *inter alia*:

9.1. submit action plans, action reports and information on the payment of just satisfaction to the Committee of Ministers in a timely manner;

9.2. pay particular attention to cases concerning structural problems, especially those lasting over ten years, as well as all related cases;

9.3. provide sufficient resources to national stakeholders responsible for implementing Court judgments and encourage them to co-ordinate their work in this area;

9.4. provide more funding to Council of Europe projects that could contribute to improved implementation of Court judgments;

9.5. raise public awareness of issues relating to the Convention;

9.6. condemn any kind of political statement aimed at discrediting the Court's authority;

9.7. strengthen the role of civil society and national human rights institutions in the process of implementing the Court's judgments.

10. Referring to its Resolution 1823 (2011), the Assembly calls on the national parliaments of Council of Europe member States to:

10.1. establish parliamentary structures guaranteeing follow-up to and monitoring of international obligations in the human rights field, and in particular of the obligations stemming from the Convention;

10.2. devote parliamentary debates to the implementation of the Court's judgments;

10.3. question governments on progress in implementing Court judgments and demand that they present annual reports on the subject;

10.4. encourage all political groups to concert their efforts to ensure that the Court's judgments are implemented.

11. The Assembly calls on the European Parliament to engage with the Assembly on issues related to the implementation of the Court's judgments.

12. In view of the urgent need to speed up implementation of the Court's judgments, the Assembly resolves to remain seized of this matter and to continue to give it priority.