Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

**Recommendation 2193 (2021)**[1]

# The implementation of judgments of the European Court of Human Rights

Parliamentary Assembly

1. Referring to its Resolution 2358 (2021) on the implementation of judgments of the European Court of Human Rights ("the Court"), the Parliamentary Assembly welcomes the measures taken by the Committee of Ministers to fulfil its tasks arising under Article 46.2 of the European Convention on Human Rights (ETS No. 5, "the Convention") and improve the efficiency of its supervision of the implementation of judgments of the Court. In particular it welcomes the use of the procedures provided for in Article 46, paragraphs 3 to 5, of the Convention in the case of *Ilgar Mammadov v. Azerbaijan*.

2. As the implementation of the Court's judgments still presents many challenges, the Assembly recommends that the Committee of Ministers:

2.1. continue to use all available means (including interim resolutions) to fulfil its tasks arising under Article 46.2 of the Convention;

2.2. use once again the procedures provided for in Article 46, paragraphs 3 to 5, of the Convention, in the event of the implementation of a judgment encountering strong resistance from the respondent State; however, this should continue to be done sparingly and in very exceptional circumstances;

2.3. give priority to leading cases pending for over five years;

2.4. consider transferring leading cases examined under the standard procedure and pending for over ten years to the enhanced supervision procedure;

2.5. continue to take measures aimed at ensuring greater transparency of the process of supervision of the implementation of Court judgments and a greater role for applicants, civil society and national institutions for the protection and promotion of human rights in this process;

2.6. continue to organise thematic debates on the execution of the Court's judgments during its meetings and consider organising special debates on leading cases pending for over ten years;

2.7. continue to increase the resources of the Department for the Execution of Judgments of the European Court of Human Rights;

2.8. continue to step up synergies, within the Council of Europe, between all the stakeholders concerned, in particular the Court and its Registry, the Parliamentary Assembly, the Secretary General, the Commissioner for Human Rights, the Steering Committee for Human Rights (CDDH), the European Commission for Democracy through Law (Venice Commission), the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and the Human Rights Trust Fund (HRTF);

2.9. regularly inform the Assembly about judgments of the Court whose implementation reveals complex or structural problems and requires legislative action;

1. *Assembly debate* on 26 January 2021 (3rd Sitting) (see Doc. 15123 and addendum, report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Constantinos Efstathiou). *Text adopted by the Assembly* on 26 January 2021 (3rd Sitting).

2.10. rapidly finalise its evaluation of the reform of the Convention system following the Interlaken High-Level Conference on the Future of the European Court of Human Rights held in February 2010.