Parliamentary Assembly
Assemblée parlementaire
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 13879
24 September 2015

The effectiveness of the European Convention on Human Rights: the Brighton Declaration and beyond

Reply to Recommendation[1]: Recommendation 2070 (2015)
Committee of Ministers

1. The Committee of Ministers has carefully considered Parliamentary Assembly Recommendation 2070 (2015) on "The effectiveness of the European Convention on Human Rights: the Brighton Declaration and beyond", which it transmitted to the Steering Committee for Human Rights (CDDH) for information and possible comments.

2. With respect to the Assembly's call on the Committee of Ministers to reinforce and improve all means at its disposal to accelerate the implementation of the judgments of the European Court of Human Rights, the Committee recalls that the execution of judgments and the supervision thereof is one of the main priorities of the current and future work aiming to ensure the effectiveness of the Convention. This follows from the Declaration and Action Plan adopted at the Brussels High-Level Conference on "The implementation of the European Convention on Human Rights, our shared responsibility" and from the follow-up decisions taken by the Committee of Ministers at its 125th Session in May. The Committee of Ministers would also recall that the CDDH has been entrusted with the preparation of a final report on the longer-term future of the convention system, which is due to be finalised before the end of 2015 and which also covers these issues.

3. The Parliamentary Assembly invites the Committee of Ministers to take firmer measures in the event of dilatory, continuous or repetitive non-compliance with the Court's judgments. The Committee agrees that this is a serious matter and recalls that such situations are covered by the Action Plan of the Brussels Conference[2] and possible measures to be taken will be considered in the context of its implementation. It also recalls the CDDH's previous work in this field, notably its 2013 report on whether more effective measures need to be taken against States who fail to implement Court judgments in a timely manner. The Committee welcomes the Assembly's readiness to work towards reinforcing synergies in this area, including with civil society. It recalls that the development of enhanced synergies at both national and European level to ensure efficient execution of judgments also appears in the Action Plan of the Brussels Declaration.[3]

4. Finally, the Committee of Ministers can inform the Assembly that both the issue of the backlog of well-founded applications, notably the call to consider granting the Court a temporary extraordinary budget, and that of reinforcing the interpretative authority (*res interpretata*) of the Court's judgments, are being addressed along with numerous other proposals in the current reflections on the longer-term future of the Convention.

5. The Committee of Ministers will not fail to keep the Assembly informed about any developments on the issues covered by the recommendation. It appreciates the Assembly's interest in these matters and the action taken by the Assembly.

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1. Adopted at the 1235th meeting of the Ministers' Deputies (15-16 September 2015).
2. The Brussels Conference encourages the Committee of Ministers (i) to continue to use, in a graduated manner, all the tools at its disposal, including interim resolutions, and to consider the use, where necessary, of the procedures foreseen under Article 46 of the Convention, when the conditions have been satisfied (C. 1. a) of the Declaration); and (ii) to develop, in this context, the resources and tools available, including by adding appropriate political leverage to its technical support, in order to deal with the cases of non-execution (C. 1. b) of the Declaration).
3. Cf. para C.1.c.