



Resolution 2075 (2015)¹

Implementation of judgments of the European Court of Human Rights

Parliamentary Assembly

1. The Parliamentary Assembly is 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 the authority of the human rights protection system established by the European Convention on Human Rights (ETS No. 5, "the Convention") depends. Although the primary responsibility for the supervision of the implementation of Court judgments lies, according to Article 46.2 of the Convention, with the Committee of Ministers, the Assembly can also play a key role in this process, in particular by encouraging national parliaments to adopt a proactive approach.
2. The Assembly recalls its previous work on this subject, in particular its [Resolutions 1516 \(2006\)](#) and [1787 \(2011\)](#) and [Recommendations 1764 \(2006\)](#) and [1955 \(2011\)](#) on the implementation of judgments of the European Court of Human Rights, its [Resolution 1856 \(2012\)](#) and [Recommendation 1991 \(2012\)](#) on guaranteeing the authority and effectiveness of the European Convention on Human Rights, its [Resolution 1914 \(2013\)](#) and [Recommendation 2007 \(2013\)](#) on ensuring the viability of the Strasbourg Court: structural deficiencies in States parties, and [Resolution 2055 \(2015\)](#) and [Recommendation 2070 \(2015\)](#) on the effectiveness of the European Convention on Human Rights: the Brighton Declaration and beyond.
3. It notes some progress in the implementation of Court judgments since the entry into force of Protocol No. 14 to the Convention (CETS No. 194) in June 2010 and the introduction, on 1 January 2011, of the new working methods of the Committee of Ministers. It welcomes the measures taken by the Committee of Ministers and other bodies of the Council of Europe to improve this process, as well as the increased interaction between the Committee of Ministers and the Court, in particular through the procedure of pilot or "quasi-pilot" judgments.
4. However, the Assembly remains deeply concerned about the considerable number of non-implemented judgments pending before the Committee of Ministers, which remains stable at nearly 11 000 cases. Many of these cases concern structural problems in States parties, which continue to generate numerous similar applications to the Court (such as serious human rights violations committed by security forces, poor detention conditions, excessive length of judicial proceedings, non-enforcement of final domestic judicial decisions, disproportionate restrictions on property rights and unlawful detention on remand).
5. The Assembly points out that, as underlined in [Resolutions 1787 \(2011\)](#) and [1914 \(2013\)](#), Bulgaria, Greece, Hungary, Italy, Poland, Romania, the Russian Federation, Turkey and Ukraine have the highest number of non-implemented judgments and still face serious structural problems which have not been solved for more than five years.

1. *Assembly debate* on 30 September 2015 (33rd Sitting) (see [Doc. 13864](#) and [addendum](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Klaas de Vries). *Text adopted by the Assembly* on 30 September 2015 (33rd Sitting).

See also [Recommendation 2079 \(2015\)](#).



6. The Assembly also notes that, in a number of other States (including Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, the Republic of Moldova, Serbia and the United Kingdom), judgments revealing structural and other complex problems have not been implemented since the Assembly adopted its [Resolution 1787 \(2011\)](#) in January 2011.
7. The Assembly deplores the delays in implementation and the lack of political will of certain States parties to implement judgments of the Court. It urges all States parties to observe the legal obligation stemming from Article 46.1 of the Convention and to fully and rapidly implement Court judgments.
8. As underlined in the Brussels Declaration, adopted on 27 March 2015 by the High-level Conference on the Implementation of the European Convention on Human Rights, our Shared Responsibility, the Assembly calls on States parties to fully implement the recommendations included therein, and in particular to:
 - 8.1. submit action plans and action reports to the Committee of Ministers in a timely manner;
 - 8.2. create effective domestic remedies to address violations of the Convention;
 - 8.3. provide sufficient resources to national stakeholders responsible for implementing Court judgments;
 - 8.4. ensure a prompt response to judgments raising structural problems;
 - 8.5. take awareness-raising measures to promote Convention standards;
 - 8.6. hold parliamentary debates on the implementation of Court judgments.
9. The Assembly calls on States parties to provide more funding to Council of Europe projects aimed at improving the implementation of judgments revealing structural problems, in particular through the Human Rights Trust Fund and/or voluntary contributions.
10. The Assembly recalls its [Resolution 1823 \(2011\)](#) on national parliaments: guarantors of human rights in Europe, and calls on States parties to implement the “Basic principles for parliamentary supervision of international human rights standards”, reproduced in the appendix to that resolution.
11. The Assembly, mindful of the Brussels Declaration inviting it to produce further reports on this subject, resolves to remain seized of this matter and to continue to give it priority, in view of the urgent need to accelerate the implementation of the Court’s judgments.