

Recommendation 2252 (2023)¹

Implementation of judgments of the European Court of Human Rights

Parliamentary Assembly

1. Referring to its [Resolution 2494 \(2023\)](#) “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, paragraph 2, of the European Convention on Human Rights (ETS No. 5, “the Convention”) and to improve the efficiency of its supervision of the implementation of the judgments of the Court.
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, paragraph 2, of the Convention;
 - 2.2. undertake further work to develop a clear toolkit for assisting co-operation and increasing pressure on States, in order to encourage them to take timely action to implement the judgments of the European Court of Human Rights; this toolkit should include a range of different measures and techniques that could potentially be deployed, as required, in different situations depending on the seriousness and complexity of the issue as well as on the type of barriers that might exist to timely and effective implementation; such a toolkit should be an evolving document to include new techniques and best practice as experience develops; a creative approach should be applied in terms of tools and bodies that might assist in these endeavours;
 - 2.3. increase the focus and priority for implementing leading cases, noting in particular that while significant progress has been made in tackling repetitive cases – which has improved the overall statistics – this is no substitute for addressing the underlying root causes of a series of violations, through implementing the leading cases; to this end more of a focus should be given to analysing and publicising the barriers to implementing leading cases as well as deploying the necessary tools to implement them successfully;
 - 2.4. ensure that priority is given to tackling pockets of resistance and particularly complex cases, including by providing guidance and assistance to domestic authorities in the execution process to address the root causes underlying a violation;
 - 2.5. take action to ensure that all States have adequate, effective national co-ordination mechanisms, with sufficient hierarchy and resources to be able to implement judgments; this could include the provision of expertise on the organisation of the workload and any reforms required to ensure the correct levels of resourcing and hierarchy in order to co-ordinate effectively the implementation of the judgments of the European Court of Human Rights;

1. *Assembly debate* on 26 April 2023 (12th sitting) (see [Doc. 15742](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Constantinos Efstathiou). *Text adopted by the Assembly* on 26 April 2023 (12th sitting).



- 2.6. consider developing new mechanisms to motivate and, if need be, sanction States that fail to take timely action, including by failing to supply information, especially where delays or obstacles in execution were readily avoidable, for example by more effective co-ordination; this could include using financing options from the Council of Europe Development Bank to help to fund projects relevant to the implementation of the Convention rights;
- 2.7. use the procedures provided for in Article 46, paragraphs 3 to 5, of the Convention, in the event of implementation of a judgment encountering strong resistance from the respondent State; however, this should continue to be done sparingly and in exceptional circumstances;
- 2.8. having regard to [Recommendation 2245 \(2023\)](#) “The Reykjavik Summit of the Council of Europe – United around values in the face of extraordinary challenges”, develop further the options available to the Committee of Ministers and, indeed, the Council of Europe as a whole, following a judgment of the Court under Article 46, paragraph 4, of the Convention, with the aim of ensuring respect for the rule of law and the Convention system; such work should include careful consideration of the potential role for the Assembly within such mechanisms, such as through the complementary joint procedure;
- 2.9. ensure that thematic debates on the execution of the Court’s judgments are carefully targeted and that participation is relevant, including carefully selected external experts, where appropriate, in order to have a meaningful debate on the topic with openness to ideas for resolving difficult issues;
- 2.10. continue to improve synergies and make best use of all available resources and organs within the Council of Europe, in particular the Court and its Registry, the Assembly, the Secretary General, the Commissioner for Human Rights, the Steering Committee for Human Rights, 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;
- 2.11. ensure adequate resources for the Department for the Execution of Judgments of the European Court of Human Rights, in light of the significant workload of cases, the necessity of ensuring its strong Convention and country-specific expertise in order to provide assistance to the Committee of Ministers and the member States within its mandate, and the importance of the timely implementation of judgments for the Organisation;
- 2.12. further elaborate the modalities of its strategy for ensuring the continued supervision over the execution of judgments pending implementation in respect of the Russian Federation, as well as those to be adopted in the future by the Court, within the limits of its jurisdiction;
- 2.13. develop structured processes to regularly inform the Assembly about judgments of the Court, the implementation of which reveals complex or structural problems and requires legislative action;
- 2.14. engage in a process of dialogue with the Assembly to ensure that the Assembly and the rapporteur for the implementation of the judgments of the European Court of Human Rights can be in a position to facilitate, as best as possible, the work of the Department for the Execution of Judgments and the Committee of Ministers, for example by organising conferences and exchanges with national parliaments, where this could be useful to bolster domestic institutional capacity for implementing judgments or where political engagement might be helpful, such as where legislative or other significant reform is needed to address a judgment;
- 2.15. as part of this process of dialogue with the Assembly, establish a yearly communication of the Committee of Ministers to the Assembly during a part-session, to set out the progress achieved in the implementation of leading and other important cases; this could be similar to the addresses of the Commissioner for Human Rights to the Assembly when presenting his/her annual report;
- 2.16. to this end, pilot the organisation of country-specific meetings between the Department for the Execution of Judgments and Assembly members during the Assembly’s part-sessions on how best to improve the implementation of judgments within a given country; such meetings could take place with a view to a subsequent country visit involving parliamentarians to improve the national mechanisms for the implementation of judgments as well as democratic engagement in supporting such measures;
- 2.17. continue to take measures aimed at ensuring greater transparency of the process of supervision of the implementation of the Court’s judgments and a greater role for the Assembly, the applicants, civil society and national human rights institutions in this process, including by improving the accessibility of information on the status of the implementation of judgments on the HUDOC-EXEC website;

- 2.18. ensure that all interim and final resolutions contain clear, specific reasoning to justify closing the supervision of a case (or elements of a case), in accordance with transparent criteria, in order to improve the transparency and accountability of decision making, so that European citizens can understand and have confidence in this core part of the European system of protecting human rights, democracy and the rule of law;
- 2.19. develop a process for the supervision of the respect of interim measures indicated by the Court.