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Implementation of judgments of the European Court of Human Rights

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A. Draft Resolution

1. The year 2025 will mark the 75th anniversary of the adoption of the European Convention on Human Rights (ETS No.5, “the Convention”). The Parliamentary Assembly celebrates the history and extraordinary impact of the system established by this unique instrument. The Convention and the European Court of Human Rights (“the Court”) have helped promote peace across the continent, leading to the Court being awarded the Dresden Peace Prize in January 2025. The Convention and the Court have also helped entrench democracy and the rule of law on our continent and create a vast legal space in which everyone can be protected from and find redress against human rights violations. To date, they represent the most advanced supranational system for the protection of human rights worldwide.
2. The Assembly reiterates the unequivocal obligation for the States Parties to the Convention to implement the judgments of the Court in a timely and effective manner. It further emphasises that State Parties are bound to comply with interim measures indicated by the Court, as they are essential to ensuring further effective implementation of judgments.
3. In the Reykjavik Declaration adopted at the 4th Summit of Heads of State and Government of the Council of Europe (16-17 May 2023), States underlined the fundamental importance of the execution of the Court’s judgments. They reaffirmed their unwavering commitment to the Convention system, agreed to redouble their efforts to ensure the full, effective, and rapid implementation of the Court’s judgments, and set out a series of specific steps to help achieve this. The Heads of State and Government, recalling that national parliaments also bear responsibility for complying with the judgments of the Court, invited the President of the Assembly to strengthen the political dialogue with national interlocutors in this area.
4. The Assembly welcomes the commitments made at the Reykjavik Summit, as well as the extensive work done to date to carry out the steps requested by the Heads of State and Government.
5. Although the vast majority of the Court’s judgments are implemented, the Assembly is concerned by the failure of some States to remedy the underlying causes of human rights violations identified in certain judgments, reflected in cases pending implementation which have been classified by the Committee of Ministers as “leading”. Leading cases usually highlight a wider human rights problem affecting many people. If reforms are not carried out to implement such cases, the underlying problem can persist, causing harm to more individuals. The failure to implement such judgments can also lead to repetitive applications to the Court, increasing its workload and harming the efficiency and effectiveness of the entire Convention system. Looking at the overall number of cases pending implementation for a State is of only limited use for understanding the State’s compliance with the Convention and the Court’s case law, as the number of such cases can be reduced often simply by paying just

satisfaction. The number and type of leading cases pending implementation are an important indicator, because leading cases can often only be implemented by taking the general measures necessary to resolve underlying human rights problems.

6. Nine States have over 40 leading cases pending implementation: Azerbaijan, Bulgaria, Hungary, Italy, the Republic of Moldova, Poland, Romania, Türkiye, and Ukraine. These States also have the highest numbers of leading cases which have been pending implementation for more than five years, indicating that human rights issues are not being resolved in a reasonable period of time. The Assembly urges these countries in particular to undertake urgent measures to systematically improve their implementation of the Court's judgments.
7. The Assembly realises that the situation in Ukraine is complex in comparison with other countries due to the Russian war of aggression and that the implementation of judgments of the Court faces specific challenges in light of the war. The Assembly welcomes the fact that, even in such difficult circumstances, the Ukrainian authorities stayed firm, have acknowledged, and continue to demonstrate their commitment to full compliance with the Convention and to undertake a number of measures to solve the structural problems identified by the Court.
8. The "Reykjavik Principles for Democracy" set out in Appendix III to the 2023 Reykjavik Declaration reiterate that democracy is "the only means to ensure that everyone can live in a peaceful, prosperous and free society". Council of Europe member States resolved to "prevent and resist democratic backsliding on [the European] continent". A key way in which this can be done is through the implementation of the judgments of the Court, notably those concerning the protection of freedom of expression, freedom of assembly, freedom of association, the right to free and fair elections, and the independence of the judiciary, as well as judgments highlighting an abusive limitation of rights and freedoms involving a violation of Article 18 of the Convention. The Assembly urges States Parties to the Convention to implement such judgments as a matter of priority.
9. The Assembly considers it absolutely unacceptable that the case of Kavala v. Turkey, which was the subject of infringement proceedings under Article 46, paragraph 4, of the Convention, has not yet been implemented and that Mr Kavala is still imprisoned. The Assembly refers to its Resolution 2518 (2023) "Call for the immediate release of Osman Kavala", including its conclusion that the case merits the initiation of the complementary joint procedure foreseen in Resolution 2319 (2020) "Complementary joint

Amendment 1

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In the draft resolution, at the end of paragraph 6, insert the following words:

"The Assembly nevertheless notes that absolute numbers do not necessarily reflect the real situation as some States have significantly higher per capita rates of unimplemented cases, despite having lower absolute numbers. Therefore, the Assembly underscores the importance of considering both absolute figures and per capita data, as well as the impact of leading cases on the rule of law, to ensure a fair and proportionate assessment of the implementation of the Court's judgments."

procedure between the Committee of Ministers and the Parliamentary Assembly in response to a serious violation by a member State of its statutory obligations". It reiterates its call on Türkiye to immediately release Mr Kavala, in line with its obligations under the Convention and the Statute of the Council of Europe (ETS No. 1).

10. The implementation of interstate cases and cases with interstate features is also a matter of considerable concern. The Assembly calls on current and former States Parties to the Convention that are the subject of such judgments to comply with their international obligations. The Assembly further calls on the member States and other stakeholders in the Convention system to demonstrate the necessary political will and commitment to make progress in the implementation of these cases.
11. In order to urgently strengthen the implementation of the Court's judgments, the Assembly calls on States Parties to the Convention to carry out the measures set out in paragraph 7 of Resolution 2494 (2023) "Implementation of judgments of the European Court of Human Rights".
12. In particular, the Assembly urges States Parties to the Convention to ensure that effective national co-ordination mechanisms are in place, with sufficient authority, resources, and participation from across government to enable the timely and effective implementation of the Court's judgments. The Council of Europe has carried out a multi-country study to identify best practices of domestic capacity for rapid execution of the judgments and decisions of the Court (carried out under the project, "Support to efficient domestic capacity for the execution of ECtHR [Court] judgments"). The Assembly urges States Parties to use the findings of this study to inform any changes needed to their own national arrangements, in order to ensure full and timely implementation of the Court's judgments. The Assembly welcomes the establishment of the Execution Coordinators Network in June 2024, resolving to carry out any joint activities that the Network and the Assembly regard to be constructive.
13. The Assembly also invites national parliaments to play their role in the execution of the judgments of the Court, by implementing the "Basic principles for parliamentary supervision of international human rights standards" set out by the Assembly in Resolution 1823 (2011) "National parliaments: guarantors of human rights in Europe". These require the establishment of appropriate parliamentary structures to ensure rigorous and regular monitoring of compliance with and supervision of international human rights obligations, such as a dedicated human rights committee or an analogous structure. The remit of such structures should include regular examination of the implementation of the judgments of the Court by the State concerned; the initiation of legislative changes to ensure compliance with the Convention and implementation of the Court's judgments; and the systematic verification of the compatibility of any draft legislation with international human rights obligations. It is essential that such parliamentary structures are provided with sufficient and

specialised staff as well as resources to carry out these tasks effectively.

14. The Assembly welcomes the contribution that the European Commission has made in its Rule of Law Reports to highlighting problems with the implementation of the Court's judgments. The Assembly invites the European Commission to more frequently include the implementation of the Court's judgments in its lists of recommendations in the Rule of Law Report Country Chapters, through (a) recommending to States to implement particular judgment(s) which are significant to ensuring the protection of the rule of law, and/or (b) recommending to States to improve their overall record of implementing leading cases of the Court, for countries that have a significant problem with the execution of these cases.
15. The Assembly underlines the continuing obligation of the Russian Federation to implement the Court's judgments and welcomes the measures taken by the Committee of Ministers to continue its supervision of cases concerning the Russian Federation, in particular via its contacts with other international organisations, notably the United Nations. The Assembly resolves to further examine whether additional steps could be taken to ensure the payment of outstanding just satisfaction awarded by the Court in these cases, including in particular interstate cases.
16. The Assembly also resolves to continue and enhance its role in promoting the full, effective, and rapid implementation of the judgments of the Court, in accordance with the Reykjavik Declaration and subsequent decisions of the Committee of Ministers. Additional work initiated since the Reykjavik Declaration includes greater support for the President of the Assembly to raise the implementation of the Court's judgments in high-level meetings, as well as briefings for national delegations on the implementation of the Court's judgments in their State. Subject to adequate funds, the Assembly resolves to create a Network of Parliamentarians to promote the implementation of judgments of the European Court of Human Rights. Members of the Network would share best practices on the implementation of judgments within the Assembly, and at the same time promote the implementation of judgments domestically in their own countries, for instance by engaging with relevant national interlocutors or encouraging legislative and structural reforms.
17. In view of the need to improve implementation of the Court's judgments, the Assembly resolves to remain seized of this matter and to continue to give it priority.

B. Draft Recommendation

1. Referring to its Resolution ... (2025) "Implementation of judgments of the European Court of Human Rights", the Parliamentary Assembly welcomes the measures taken by the Committee of Ministers and the wider Organisation to implement sections of the 2023 Reykjavik Declaration relating to the implementation of the judgments of the European Court of Human Rights ("the Court). This includes steps taken to increase the resources of the Department for the Execution of Judgments, increase the synergy between the Department for the Execution of Judgments and Council of Europe co-operation programmes, increase the transparency of the judgment supervision process, establish a network of national co-ordinators for the implementation of judgments, strengthen the institutional dialogue between the Court and the Committee of Ministers, carry out joint activities with the Assembly and the Congress of Local and Regional Authorities, and set out predictable, gradual steps to be taken by the Committee of Ministers prior to initiating the infringement procedure under Article 46 of the European Convention on Human Rights (ETS No. 5, "the Convention").
2. The vast majority of the Court's judgments are implemented. Nevertheless, and despite the work done to carry out the steps requested by the Heads of State and Government in the Reykjavik Declaration, the number of leading cases pending implementation remains high. The Assembly therefore recommends that the Committee of Ministers further strengthen its work to implement the measures set out in the Reykjavik Declaration to improve the implementation of the Court's judgments.
3. The Assembly recalls the pivotal role that the implementation of the Court's judgments plays in the Convention system and the workload of the Court. Given the high proportion of cases from the Court which are classified as repetitive, funding additional work to promote the implementation of the Court's judgments, particularly with regard to leading cases, is an investment in the system which will ensure its long-term sustainability. The Assembly therefore calls for:
 - 3.1. a further increase to the resources available to the Department for the Execution of Judgments;
 - 3.2. an increase in funding for technical co-operation projects to promote the implementation of judgments of the Court, with a particular focus on leading cases revealing structural or complex problems;
 - 3.3. continued funding and State engagement for the project "Support to efficient domestic capacity for the execution of ECtHR [Court] judgments" in particular, given its critical role in building national capacities for judgment implementation.
4. The Assembly also notes that the Reykjavik Declaration called for a strengthening of political dialogue in the event of difficulties in the implementation of judgments and encouraged the participation of high-level representatives

from respondent States. The Assembly calls on the Committee of Ministers to redouble its efforts to ensure high-level engagement in discussions on the implementation of the Court's judgments, in order to facilitate dialogue at the political level. The Assembly will enhance its own activities to promote political dialogue in difficult cases.

5. Further in regard to its own activities, the Assembly welcomes the recognition in the Reykjavik Declaration of the importance of involving national parliaments in the execution of judgments, as well as the invitation to the President of the Assembly to strengthen his political dialogue with national interlocutors on the implementation of judgments. The Assembly further welcomes the Committee of Ministers' decision of 7 February 2024 to invite "the Parliamentary Assembly and the Congress of Local and Regional Authorities to strengthen their dialogue with their respective national interlocutors on the implementation of judgments, at both the political and technical levels, and [its instruction to] the Department for the Execution of Judgments to assist".
6. The Assembly notes the steps it has taken to enhance the work of parliamentarians to promote the implementation of the Court's judgments in accordance with the Reykjavik Declaration, including strengthening support for the President of the Assembly to raise the implementation of judgments in high-level meetings, and the organisation by the Department for the Execution of Judgments of briefings for national delegations on the implementation of the Court's judgments in member States. The Assembly expresses its intention to further enhance its activities in this area.