



Resolution 2494 (2023)¹

Provisional version

Implementation of judgments of the European Court of Human Rights

Parliamentary Assembly

1. Since its [Resolution 1226 \(2000\)](#), the Parliamentary Assembly has significantly contributed to the supervision of the implementation of judgments of the European Court of Human Rights (“the Court”) by the Committee of Ministers, given the priority it attaches to respect for human rights, democracy, and the rule of law. It recalls that in [Recommendation 2245 \(2023\)](#) “The Reykjavik Summit of the Council of Europe: United around values in the face of extraordinary challenges” it sought to further strengthen processes for the swift implementation of Court’s judgments, including respect for interim measures, calling for the introduction of procedure for enhanced political dialogue in cases of non-compliance and for the promotion of the role of national parliaments, national human rights institutions and civil society in monitoring compliance with the European Convention on Human Rights (ETS No. 5, “the Convention”) and the Court’s judgments.
2. The Assembly also recalls its Resolutions [2358\(2021\)](#) [2178 \(2017\)](#), [2075 \(2015\)](#), [1787 \(2011\)](#), [1516 \(2006\)](#) and Recommendations [2110 \(2017\)](#) and [2079 \(2015\)](#) on the implementation of judgments of the Court, in which it promoted national parliaments’ engagement in this process. It again underlines that the implementation of a Court judgment, under Article 46, paragraph 1, of the Convention, may require not only the payment of the just satisfaction awarded by the Court, but also the adoption of other individual measures (aimed at the cessation of the violation of the Convention and the *restitutio in integrum* for applicants) and/or general measures (aimed at preventing repeated violations of the Convention).
3. Since last examining this question in 2021, the Assembly notes that there has been an increase in the number of judgments pending before the Committee of Ministers (from 5 231 at the end of 2019 to 6 256 on 1 March 2023). Having seen previous progress on reducing the backlog, it expresses concern at the current trajectory. The Assembly welcomes any measures taken by the Committee of Ministers to make its supervision of the implementation of Court’s judgments more efficient within the Council of Europe as well as with national authorities. It calls upon the Committee of Ministers to undertake further work to analyse why the number of pending cases has recently been growing and to suggest concrete steps to address this.
4. The Assembly also notes that Ukraine, Romania, Türkiye, Azerbaijan and Hungary have the highest number of non-implemented Court judgments and still face serious structural or complex problems, some of which have not been resolved for over ten years. Indeed these five countries, and in addition the Russian Federation, account for over 70% of the cases pending implementation. The Assembly remains deeply concerned over the number of cases revealing structural and complex problems pending before the Committee of Ministers for more than five years. Along with that, the Assembly realises that the situation in Ukraine is a complex one vis-à-vis other countries due to the Russian war of aggression and the consequences for the Ukrainian authorities and society as a whole, and that the implementation of judgments of the European Court of Human Rights faces specific challenges in light of the war. In this regard, the Assembly notes that, even in such difficult circumstances, the Ukrainian authorities continue to demonstrate

1. *Assembly debate* on 26 April 2023 (12th sitting) (see [Doc. 15742](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Constantinou Efstathiou). *Text adopted by the Assembly* on 26 April 2023 (12th sitting). See also [Recommendation 2252 \(2023\)](#).



their commitment to full compliance with the Convention and have undertaken a number of measures, including legislative amendments, to solve the structural problems identified by the European Court of Human Rights.

5. The Assembly expresses concerns at the delays in implementing the Court's judgments and recalls that the legal obligation for the States Parties to the Convention to implement the Court's judgments is binding on all branches of State authority and cannot be avoided through the invocation of technical problems or obstacles which are due, in particular, to the lack of political will, lack of resources or national legislation, including the constitution. The Assembly recalls that where a State's legislation, including its constitution, gives rise to violations of the Convention, it is incumbent on that State to interpret and, where necessary, amend its legislation in such a way as to resolve the violations found by the European Court of Human Rights and avoid any repetition.

6. The Assembly is gravely concerned at the slow progress towards the implementation of the Court's judgments delivered in interstate cases or cases showing interstate features. It calls on all States Parties to the Convention involved in the process of implementation of such judgments to fully co-operate with the Committee of Ministers. It further calls on member States, as well as instances of the Council of Europe, to consider employing innovative and creative techniques and measures to seek to make progress in addressing intractable problems in such cases.

7. The Assembly strongly calls on States Parties to the Convention to:

7.1. implement in good faith and without delay final binding judgments of the European Court of Human Rights, in line with the clear and unambiguous obligations in Article 46, paragraph 1, of the Convention, which are of an unconditional nature, and in full respect for the rule of law;

7.2. provide for effective domestic remedies to address violations of the Convention and establish such remedies without undue delay where they are lacking;

7.3. co-operate fully with the Committee of Ministers, the Court and the Department for the Execution of the judgments of the Court as well as with other relevant Council of Europe bodies to swiftly and effectively enable the full and efficient implementation of the judgments of the Court;

7.4. submit action plans, action reports and information on the payment of just satisfaction to the Committee of Ministers in a timely manner and to ensure that such action plans and reports contain sufficiently detailed information to explain the measures being taken, how they will address the issues raised by the judgment and to set out a clear timeframe for the judgment to be implemented;

7.5. ensure that effective national co-ordination mechanisms are in place and have sufficient hierarchy and resources to be able to implement judgments and to co-ordinate responses in an efficient and informative manner, presenting the confirmed common position of various branches of power, and that such co-ordination bodies have the requisite clout to be able to ensure that priority is given to any necessary action;

7.6. strengthen the role of civil society, bar associations and national human rights institutions in the process of implementing the Court's judgments, including through involving them in domestic planning on how to implement a judgment, as well as through providing replies to submissions made by applicants, national human rights institutions and non-governmental organisations under Rule 9 of the Committee of Ministers' Rules for the supervision of the execution of judgments and the terms of friendly settlements;

7.7. pay particular attention to cases raising systemic, structural, endemic or complex problems identified by the Court or the Committee of Ministers, notably those identified in the Court's pilot judgments or judgments with indications under Article 46 of the Convention, especially those pending for over ten years;

7.8. refrain from adopting laws or measures that would hinder the process of implementation of the Court's judgments and ensure that domestic legislation strengthens domestic capacity to implement judgments of the Court;

7.9. take full advantage of the work undertaken as part of the "Support to efficient domestic capacity for the execution of ECtHR judgments (Phase 1)" project, which could provide good practice to assist States in improving their domestic processes for implementing the judgments of the European Court of Human Rights;

7.10. develop more effective structures and mechanisms for the exchange of good practice and support each other in the execution of the judgments of the European Court of Human Rights, including by fully supporting the work done by the Council of Europe aimed at establishing a network to this end;

7.11. increase support to Council of Europe co-operation projects to assist member States in executing the judgments of the Court;

7.12. take into account the relevant opinions of Council of Europe expert bodies, including the European Commission for Democracy through Law (Venice Commission) and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, when taking measures aimed at implementing the Court's judgments;

7.13. uphold the rule of law, including by condemning statements discrediting the Court's authority and legitimacy;

7.14. respect interim measures indicated by the Court, in accordance with the obligations stemming from Article 34 of the Convention;

7.15. ratify Protocol No. 16 to the Convention (CETS No. 214) as soon as possible, if they have not already done so;

7.16. take immediate action to implement any judgments of the European Court of Human Rights in respect of which a violation of Article 46, paragraph 1, has been found by the Court under infringement proceedings under Article 46, paragraph 4, and in this light calls on Türkiye to immediately release the philanthropist Osman Kavala.

8. Having regard to [Recommendation 2245 \(2023\)](#) "The Reykjavik Summit of the Council of Europe: United around values in the face of extraordinary challenges", and referring to its [Resolution 1823 \(2011\)](#) "National parliaments: guarantors of human rights in Europe", the Assembly calls on the national parliaments of Council of Europe member States to implement the "Basic principles for parliamentary supervision of international human rights standards", advocated by the Assembly. Appropriate parliamentary structures are needed to monitor compliance with international human rights obligations and to ensure that democratically elected representatives are in a position to effectively encourage and facilitate the timely and complete implementation of the Court's judgments. The Assembly calls on human rights or constitutional committees of national parliaments to engage in monitoring the implementation of the Court's judgments, including through taking a pro-active role in finding solutions to potential frictions with the Court, by proposing necessary legislative reforms.

9. In view of the need to speed up implementation of the Court's judgments, the Assembly resolves to remain seized of this matter and to continue to give it priority.

10. The Assembly's work could include holding targeted events at the parliamentary level, such as conferences, colloquies to help bolster domestic institutional capacity and to focus political attention on the legislative, structural or other reforms needed to implement the Court's judgments, including specific cases. Priority should be given to those countries or cases where dialogue at the level of parliamentarians might be most effective to encourage the timely implementation of the Court's judgments and in particular to drive through the necessary legislative reforms.

11. In order to help resolve the long-standing systemic and structural problems identified in the implementation of the Court's judgments, the Assembly resolves to step up its work on thematic reports focussing on such problems in order to identify tools to resolve specific systemic or structural issues.

12. The Assembly underlines the continuing obligation of the Russian Federation to implement the Court's judgments and welcomes the decision of the Committee of Ministers to continue its supervision of the implementation of judgments in relation to the Russian Federation.