

**DIRECTORATE GENERAL I
HUMAN RIGHTS AND RULE OF LAW**

**DEPARTMENT FOR THE EXECUTION OF JUDGMENTS OF
THE EUROPEAN COURT OF HUMAN RIGHTS**



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

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**Round Table: Excessive length of proceedings –
how to solve an important systemic problem causing repetitive violations of the
European Convention for Human Rights**

Antalya (Turkey)
8-9 November 2012

FINAL CONCLUSIONS

On 8-9 November 2012, the Council of Europe Department for the execution of judgments organised a Round-Table hosted by the Turkish authorities in Antalya devoted to the important and complex problem of excessive length of proceedings. This problem continues to figure as the most important problem in terms of cases before both before the European Court of Human Rights and the Committee of Ministers of the Council of Europe which supervises the execution of the European Court's judgments.

The aim of the Round Table was to contribute to the solution of this longstanding problem by allowing an exchange of experiences between the participants on the three following issues:

- How to identify the causes of excessively lengthy proceedings?
- Which types of measures can be applied to the various causes?
- How to ensure effective monitoring of the efficiency of measures adopted and, in the longer term, effective prevention of new systemic problems?

At the outset, the participants highlighted the importance of the work carried out by the European Commission for the Efficiency of Justice (the "CEPEJ") in order to support member states' efforts to ensure efficient judicial systems, notably through the design of tools which could be used in the daily administration of justice:

- Time management checklist
- Guidelines for judicial time management
- Compendium of good practices,
- Centre for judicial time management (Saturn Centre)
- Coaching programmes for courts
- Recommendations on different relevant issues.

In this respect it was underlined that wide dissemination and translation of these texts into national languages will have a positive and concrete impact. The participants also expressed their great interest in CEPEJ's assistance and training activities.

It emerged from the discussions that the identification of the sources of the problem was based on the findings of European Court in its judgments, in particular in its pilot judgments. This being said other indicators such as resolutions and recommendations of the Committee of Ministers, experience gained from the domestic judicial system and statistical data about its functioning, as well as information provided by the civil society also serve this purpose.

As regards the choice of adequate measures, at the outset participants underlined the importance of including relevant stakeholders in the process, and in particular members of the judiciary in order to achieve viable solutions. A wide range of possible measures were discussed, including IT developments for courts, simplification of proceedings, reduction of the number of instances where appropriate, redesigning the judicial map with a view to rebalance the workload between courts, introducing modern management tools, making wider recourse to alternative dispute resolution systems...

Regarding the third issue discussed, the participants stressed the importance of initiating reforms with the involvement of relevant authorities, in particular with the judiciary, in order to ensure that reforms are put in place and implemented swiftly. It was underlined in particular that adequate tools, notably statistical information should be developed with a view to closely following the progress of implementation. The participants highlighted the importance of setting up continuous monitoring mechanisms in order to ensure that new systemic situations of excessive length of proceedings do not develop.

In this context, a number of participants referred to the importance of effective domestic remedies as a tool to raise the awareness of domestic stakeholders and to trigger their rapid action to solve problems revealed. The need for a clear and adequate assignment of responsibility for paying compensation, as well as for the allocation of appropriate budgetary means to cover compensation awarded, was underlined. As to the question of the individual responsibility of judges, participants stressed the need for a careful approach bearing in mind the importance of guaranteeing judicial independence as well as the need to respect all aspects of the right to a fair trial as guaranteed by Article 6 of the Convention.

As a general conclusion, the participants noted the considerable information available at the European level and in particular the expertise of CEPEJ and the experience gained by individual states in executing judgments of the European Court. They considered that all domestic authorities concerned should take full advantage of this experience in ensuring the effectiveness of the judicial system.

Participants also repeatedly stressed the importance of regularly sharing information and good practices, taking into account also the follow up given to violations admitted in friendly settlements, with a view to enlarging the domestic toolbox of measures to prevent lengthy proceedings.