



**ROUND-TABLE:
RECOMMENDATION (2008)2
OF THE COMMITTEE OF MINISTERS
TO MEMBER STATES ON EFFICIENT DOMESTIC
CAPACITY FOR RAPID EXECUTION OF JUDGMENTS
OF THE EUROPEAN COURT OF HUMAN RIGHTS**

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The views expressed are those of the author only.

CO-ORDINATION OF THE EXECUTION OF THE COURT'S JUDGMENTS, INCLUDING THE ROLE OF THE UK PARLIAMENT IN PROVIDING EXTERNAL OVERSIGHT OF THE EXECUTION PROCESS

- Pleased to address round table and explain how execution of judgments is co-ordinated in the UK and about co-operation with our parliament.
- Two government departments responsible for co-ordination in the UK.
- First is my department, the Ministry of Justice (MOJ), responsible for human rights domestically.
- Second is Foreign and Commonwealth Office (FCO), which has responsibility on behalf of UK for human rights internationally. FCO is home department for both UK's Agent to the court and the UK's delegation to the Council of Europe.
- MOJ co-ordinates collection of information about execution of judgments of the court against the UK. Should make clear MOJ not responsible for executing the judgment. Responsibility rests with government department responsible for the policy area affected by the judgment. If more than one department affected, department with primary responsibility leads.
- This is deliberate decision. It helps to mainstream human rights thinking throughout UK government and to spread knowledge about human rights and human rights judgments throughout government.
- MOJ will advise the lead department on implementation and any issues arising but the responsibility for execution remains with the lead department.
- Process for executing judgments in the UK has a number of steps.
- UK Agent to the court receives notification of a judgment and informs the relevant UK department about the judgment and action to be taken to begin to execute the judgment. At same time, Agent will inform my team. The Agent will also send an implementation form¹ to the lead department.
- This form was designed to help departments when executing judgments. It provides information about how to understand the judgment, to identify the action necessary to respond to the judgment and how to produce the action plan for the Committee of Ministers.
- The form provides useful prompts and information to departments and when completed ensures both my team and the UK Delegation have the right information to properly co-ordinate execution of judgments against the UK. It also provides template for the Action Plan/Report.
- Before talking about external scrutiny want to mention legal support to the UK process.
- Legal teams in the lead departments are the first point of contact for advice about execution of judgments. This continues the idea of mainstreaming referred to previously and helps to spread human rights knowledge across all UK government lawyers.
- MOJ's Human Rights Legal Team are available to provide advice and specialist knowledge as required on individual judgments. In addition, it circulates relevant information about topical human rights issues to legal teams in other departments. This covers domestic case as well as judgments in Strasbourg against the UK and other countries.
- The team also provides dedicated human rights training courses at least once a year to lawyers in other departments.
- External parliamentary oversight of the UK government's execution of judgments is carried out by the Joint Committee on Human Rights (JCHR). Its website is at:
<http://www.parliament.uk/business/committees/committees-a-z/joint-select/human-rights-committee/>.

¹ Copy of form annexed for information and was also attached to UK response to questionnaire on domestic mechanisms for rapid execution of judgments.

- The committee is appointed by the UK Parliament and contains members from both Houses of Parliament and from the various parties represented in Parliament.
- Its very broad remit is to consider:
matters relating to human rights in the United Kingdom (but excluding consideration of individual cases).
- It reports to Parliament on matters within its remit, including the Government's record on implementing or executing judgments.
- Its oversight of the execution of judgments has been formalised. The Government produces an annual report describing how it has responded to adverse human rights judgments both from Strasbourg and from domestic courts².
- The report forms the basis for an annual oral evidence session when our Justice Secretary appears before the JCHR³. During the session the JCHR can ask about anything within its remit, including the Government's performance in executing judgments.
- Following the evidence session, the JCHR publishes its own response to the Government's annual report. This sets out its own assessment of the Government's performance, providing appropriate oversight and scrutiny.
- Thank you for listening.

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² Most recent report is available at: <http://www.official-documents.gov.uk/document/cm81/8162/8162.pdf>

³ Uncorrected transcript of most recent session is available at: http://www.parliament.uk/documents/joint-committees/human-rights/JCHR_20_December_transcript.pdf