

CDDH comments on Parliamentary Assembly Recommendation 2070(2015) “The effectiveness of the European Convention on Human Rights: the Brighton Declaration and beyond”

CDDH: 83rd meeting – 17/19 June 2015 CDDH(2015)R83

1. The Steering Committee for Human Rights (CDDH) takes note of Parliamentary Assembly Recommendation 2070(2015) on “The effectiveness of the European Convention on Human Rights: the Brighton Declaration and beyond” and welcomes the fact that it has been involved in this work.¹ The Recommendation and the accompanying texts² recall ideas which are already reflected in the preparatory work conducted by the Committee of Experts on the Reform of the Court (DH-GDR), through its Drafting Group “F” on the Reform of the Court (GT-GDR-F), in view of presenting to the Committee of Ministers, by the end of 2015, the CDDH final report on the longer-term future of the Convention system. Recommendation 2070(2015) also follows the Brussels High-Level Conference on “The Implementation of the European Convention on Human Rights, our shared responsibility”.

2. The CDDH notes the call to reinforce and improve all the means at the disposal of the Committee of Ministers to accelerate the execution of the judgments of the European Court of Human Rights. It notes that the issue of the execution of judgments and the supervision thereof is one of the main themes of its current and future work aimed at ensuring the effectiveness of the Convention, in particular, in light of the Brussels Declaration and its Action Plan, and following the decisions taken at the 125th Committee of Ministers Session. The CDDH also recalls its previous work in this area, notably its 2013 report on whether more effective measures need to be taken against States who fail to implement Court judgments in a timely manner.³

3. The CDDH notes the Parliamentary Assembly’s invitation to take firmer measures in the event of dilatory, continuous or repetitive non-compliance with the Court’s judgments. It recalls that the Brussels Conference encourages the Committee of Ministers (i) to continue to use, in a graduated manner, all the tools at its disposal, including interim resolutions, and to consider the use, where necessary, of the procedures foreseen under Article 46 of the Convention, when the conditions have been satisfied (C. 1. a) of the Declaration); and (ii) to develop, in this context, the resources and tools available, including by adding appropriate political leverage to its technical support, in order to deal with the cases of non-execution (C. 1. b) of the Declaration).

¹ Through a hearing of the Chairs of the CDDH and the Committee of Experts on the Reform of the Court (DH-GDR), held on 25 June 2014.

² Parliamentary Assembly [Resolution 2055\(2015\) on](#) “The effectiveness of the European Convention on Human Rights: the Brighton Declaration and beyond” adopted on 24 April 2015 (see [Doc. 13719](#) and its [addendum](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Yves Pozzo di Borgo (France, EPP/CD)).

³ Document CDDH(2013)R79 Addendum I, that will be examined by the Ministers’ Deputies.

The CDDH welcomes the Parliamentary Assembly's invitation to work towards reinforcing synergies with the Parliamentary Assembly and civil society; the development of enhanced synergies for efficient supervision of the execution of judgments also appears in the Action Plan of the Brussels Declaration (C. 1. c)).

4. Finally, both the issue of the backlog of well-founded applications, notably the call to consider granting the Court a temporary extraordinary budget, and that of reinforcing the interpretative authority (*res interpretata*), are addressed in the current reflections on the longer-term future of the Convention.

Recommendation 2070(2015)

The effectiveness of the European Convention on Human Rights: the Brighton Declaration and beyond

Parliamentary Assembly

1. The Parliamentary Assembly, referring to its [Resolution 2055 \(2015\)](#) on the effectiveness of the European Convention on Human Rights: the Brighton Declaration and beyond, urges the Committee of Ministers to:

1.1. reinforce and improve all means at its disposal to accelerate the implementation of the judgments of the European Court of Human Rights;

1.2. take firmer measures in cases of dilatory, continuous or repetitive non-compliance with the Court's judgments and, in so doing, work towards reinforcing synergies with the Parliamentary Assembly and civil society;

1.3. tackle, as a matter of urgency, the Council of Europe's difficult budgetary situation, and consider granting the Court a temporary extraordinary budget in order to enable it to clear the backlog of well-founded applications.

2. The Assembly also reaffirms its call, made in [Recommendation 1991 \(2012\)](#) on guaranteeing the authority and effectiveness of the European Convention on Human Rights, that the Committee of Ministers address a recommendation to the member States to reinforce the interpretative authority (*res interpretata*) of the judgments of the European Court of Human Rights.