

CDDH comments on Parliamentary Assembly Recommendation 2043(2014) - "Urgent need to deal with new failures to co-operate with the European Court of Human Rights"

CDDH: 81st meeting - 24/27 June 2014 CDDH(2014)R81

1. The Steering Committee for Human Rights (CDDH) takes note of Parliamentary Assembly [Recommendation 2043\(2014\)](#) on the ‘urgent need to deal with new failures to co-operate with the European Court of Human Rights’. It recalls Committee of Ministers’ Resolution CM/Res(2010)25 on member States’ duty to respect and protect the right of individual application to the European Court of Human Rights, which called upon the member States to “take prompt and effective action with regard to any interim measures indicated by the Court so as to ensure compliance with their obligations under the relevant provisions of the Convention”. It also recalls its own earlier work on the issue, notably its report on interim measures under Rule 39 of the Rules of Court, which reiterated that “member States should be reminded that Article 34 of the Convention entails an obligation for States Parties to comply with an indication of interim measures made under Rule 39 of the Rules of Court and that non-compliance normally implies a violation of Article 34 of the Convention”.¹

2. The CDDH notes that certain of the failures to respect indications of interim measures occurred after the adoption of Committee of Ministers’ Resolution CM/Res(2010)25 and that some involved action that is illegal under domestic law. This underlines the need for the Committee of Ministers and the member States to continue searching for adequate responses to such incidents, as implied by paragraphs 2 and 3 of the Parliamentary Assembly’s recommendation. The CDDH emphasises the importance of full implementation of the relevant measures contained in the 2011 Committee of Ministers’ Guidelines on eradicating impunity for serious human rights violations, where appropriate on account of the nature of the actions occurring at the domestic level.²

3. Finally, the CDDH notes the Assembly’s call for speedy treatment by the Court of applications in the context of which interim measures have been indicated, and recalls its own recommendation in this sense made in its 2013 Report.

¹ See paragraph 54 of doc. CDDH(2013)R77 Addendum III: under examination by the Committee of Ministers at the time of writing.

² Doc. CM/Del/Dec(2011)1110/4.8, Appendix 5.

Recommendation 2043(2014)

Final version

Urgent need to deal with new failures to co-operate with the European Court of Human Rights

Parliamentary Assembly

1. The Parliamentary Assembly refers to its [Resolution 1991 \(2014\)](#) on the urgent need to deal with new failures to co-operate with the European Court of Human Rights, to Resolution CM/Res(2010)25 of the Committee of Ministers on member States' duty to respect and protect the right of individual application to the European Court of Human Rights, adopted as a response to Assembly [Resolution 1571 \(2007\)](#) on member States' duty to co-operate with the European Court of Human Rights, and to the Committee of Ministers' decision regarding kidnappings and irregular removals from the national territory taken at its 1176th meeting on 10 July 2013.
2. The Assembly commends the Committee of Ministers for following up on a regular basis cases of non-respect of the interim measures of the European Court of Human Rights.
3. The Assembly invites the Committee of Ministers to continue insisting on the effective investigation of any violations of the Court's interim measures, in particular irregular removals from the national territory, and to require the States Parties concerned to hold to account the perpetrators of any illegal acts.