

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

**The Council of Europe Project  
“Support for the improvement of the execution of  
the European Court judgments by Azerbaijan”**

**NATIONAL EXECUTION STRATEGY AND ACTION PLAN FOR EXECUTION OF  
JUDGMENTS AND DECISIONS OF THE EUROPEAN COURT OF HUMAN RIGHTS BY  
THE REPUBLIC OF AZERBAIJAN**

**January 2024**

*The opinions expressed in this document are the responsibility of the author(s) and do not necessarily reflect the official policy of the Council of Europe.*

## ABBREVIATIONS AND ACRONYMS

2022 Annual Report	Supervision of the Execution of Judgments and Decisions 2022
Agent	Authorized Representative (Agent) of the Republic of Azerbaijan to the European Court
AHRC	Commissioner for Human Rights of the Republic of Azerbaijan
Analytical Department	Department of Analysis of Judicial Practice of the Supreme Court
Background study	Background study for the elaboration of a national execution strategy and action plan for execution of judgments and decisions of the European Court of Human Rights by the Republic of Azerbaijan
Brussels Declaration	Brussels Declaration of the Committee of Ministers
CoE	Council of Europe
CM	Committee of Ministers of the Council of Europe
DEJ	Council of Europe's Department for the Execution of Judgments of the European Court of Human Rights
Drafting Guide	Guide for the drafting of action plans and reports for the execution of judgments of the European Court of Human Rights
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
Good Practice Guide	Guide to good practice on the implementation of Recommendation CM/Rec(2008)2 judgments and decisions of the European Court judgments of the European Court, friendly settlements and unilateral declarations
HCPs	High Contracting Parties
HELP	The European Programme for Human Rights Education of Legal Professionals
Judgments and decisions of the ECtHR	Judgments, friendly settlements and unilateral declarations of the ECtHR
Milli Majlis	Milli Majlis of the Republic of Azerbaijan
NGOs	Non-governmental organisations
NHRIs	National Human Rights Institutions
PACE	Parliamentary Assembly of the Council of Europe
Prevention and Remedying Guidelines	Guidelines of the Committee of Ministers on the prevention and remedying of violations of the Convention for the protection of human rights and fundamental freedoms
Recommendation No. R (2000) 2	Recommendation No. R (2000) 2 of the

	Committee of Ministers to member states on the re-examination or reopening of certain cases at domestic level following judgements of the European Court of Human Rights
Recommendation Rec(2004)5	Recommendation Rec(2004)5 of the Committee of Ministers to member states on the verification of the compatibility of draft laws, existing laws and administrative practice with the standards laid down in the European Convention on Human Rights
Recommendation Rec(2004)6	Recommendation Rec(2004)6 of the Committee of Ministers to member states on the improvement of domestic remedies
Recommendation CM/Rec(2008)2	Recommendation CM/Rec(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
Recommendation CM/Rec(2019)5	Recommendation CM/Rec(2019)5 of the Committee of Ministers to member States on the system of the European Convention on Human Rights in university education and professional training
Recommendation CM/Rec(2021)1	Recommendation CM/Rec(2021)1 of the Committee of Ministers to member States on the development and strengthening of effective, pluralist and independent national human rights institutions
Recommendation CM/Rec(2021)4	Recommendation CM/Rec(2021)4 of the Committee of Ministers to member States on the publication and dissemination of the European Convention on Human Rights, the case law of the European Court of Human Rights and other relevant texts
Regulation	Regulation on the Authorized Representative of the Republic of Azerbaijan to the European Court of Human Rights
Rules of Court	European Court's Rules of Court
SC	Supreme Court
Tirana Round Table	Round table: Efficient Domestic Capacity for rapid execution of the European Court's Judgments 15-16 December 2011 Conclusions of the Chairperson

## **A. Introduction**

The overall goal of the Strategy and Action Plan is to improve the national application of the human rights standards as defined by the ECHR and the case law of the ECtHR and, in particular, to improve the execution of the judgments, friendly settlements and unilateral declarations of the ECtHR, i.e., judgments and decisions of the ECtHR.

The execution of judgments and decisions of the ECtHR is a multifaceted process, requiring both a recognition of their importance and the ability to resolve the specific challenges necessary to ensure their enforcement, particularly those revealing complex or structural problems.

It also depends upon there being in place not only appropriate legal regulations that allow for the necessary measures to be adopted and implemented but also an institutional framework for the efficient conduct of this process, in accordance with the standards set by the ECtHR and the expectations of the CM.

The development of the Strategy and Action Plan has taken account of the Background Study in the Annex, in which there was found to be scope for enhancing the existing arrangements for executing judgments and decisions of the ECtHR and thus seeks to build on the important role already played by of the Agent, as well the potential for one to be played by both the Milli Majlis and the AHRC.

The Strategy sets out a number of specific goals and actions which should be taken to enhance these arrangements and the Action Plan sets out the leading and participating institutions responsible for the actions considered necessary, together with the deadline for implementing those actions and the benchmarks for assessing their satisfactory completion.

The preparation of the Strategy and Action Plan has been undertaken with assistance from the CoE Project “Support for the improvement of the execution of the European Court judgments by Azerbaijan”.

## **B. The Strategy**

The overall goal of the Strategy can be achieved by implementing the following specific, but interconnected, goals, namely:

- Goal 1: Establishing an effective legislative framework for executing the judgments and decisions of the ECtHR;
- Goal 2: Improving coordination and cooperation in the execution process;
- Goal 3: Resolving the backlog of cases pending execution and ensure appropriate and timely communication with DEJ;
- Goal 4: Improving the domestic monitoring of execution by the Milli Majlis and Commissioner for Human Rights of the Republic of Azerbaijan; and

- Goal 5: Ensuring adequate training for all concerned with execution.

Each of these goals is comprised of a number of sub-goals and some will contribute also to the fulfilment of others.

***Goal 1: Establish an effective legislative and administrative framework for executing judgments and decisions of the ECtHR***

Certain arrangements for execution have been in place in the Republic of Azerbaijan for a number of years and the Agent undoubtedly plays an important part in their operation. Moreover, the increase in the number of action plans and reports submitted by the Agent in the last two years has allowed the CM to close certain individual cases. Nonetheless, given the numbers both of non-executed cases and of those pending execution for more than five years, as well as some of the challenges within this system, there is certainly room for enhancing the existing arrangements, particularly as regards the legal basis for them, ensuring the involvement of other institutions involved in the process of execution, strengthening administrative support for the Agent and facilitating any re-opening and re-examination of proceedings that may be required.

***Sub-goal 1.1: Prepare proposals for a detailed legal framework for the functioning of the Agent in respect of the execution of judgments and decisions***

The Regulation deals with the appointment and dismissal of the Agent and stipulates the basis on which s/he is to base her/his activities. However, the Regulation deals only in very broad terms with the Agent's functions in respect of the execution of judgments and decisions of the ECtHR.

Thus, the Agent has no specific authority to ensure the fulfilment of awards of just satisfaction by the ECtHR or the implementation of the financial commitments to applicants made in friendly settlements or unilateral declarations. Furthermore, although the Agent is supposed to have a coordinating role with respect to the activities of state bodies for purpose of implementing judgments and decisions of the ECtHR, s/he has no clear authority to ensure that those bodies either actually take the measures required for that purpose or provide the information that should be supplied to CoE's DEJ in the course of this process. Moreover, the Agent has no particular responsibility or role where the execution of judgments and decisions of the ECtHR would (a) necessitate the re-opening and re-examination of proceedings or (b) would require the initiation of legislative change. In addition, the Agent is under no obligation to engage with applicants with respect to the taking of the measures required for the purpose of executing judgments and decisions of the ECtHR. Also, the Agent is not required to prepare on an annual

basis an analytical report concerning the state of execution of judgments and decisions of the ECtHR (covering both those that have been executed and particular problems in the execution process that need to be addressed whether by legislation or other measures), which could then be considered by the Milli Majlis of the Republic of Azerbaijan and be disseminated to the public. Finally, the Agent is not responsible for ensuring the timely translation and dissemination of judgments and decisions of the ECtHR with a view to facilitating their execution.

Proposals regarding the current legal framework for the functioning of the Agent should, therefore, be elaborated to ensure that all these shortcomings are remedied so that not only will the role of the Agent in the execution of judgments and decisions of the ECtHR be appropriately defined but that s/he will have the necessary authority for its fulfilment.

The proposals could also include provision for maintaining a website in which information on pending cases/reforms and on cases that have been closed because of the individual or general measures (reforms) that have been taken, thereby increasing awareness and understanding of the process by both the various authorities involved in it and the public as a whole.

For the organisation of the translation of judgments and decisions of the ECtHR, see sub-goal 2.2 below.

*Sub-goal 1.2: Prepare proposals for a legal framework relating to the inter-institutional working group devoted to the execution of judgments and decisions of the ECtHR*

Although the Agent is tasked with creating working and expert groups for solving issues related to their authority of those involved and such a Working Group has now been established, there is no provision governing either the function and operation of the latter body for the purpose of executing judgments and decision of the ECtHR or of its composition.

Thus, for the time being, the Working Group remains a rather loose instrument of inter-institutional cooperation when it ought to be specifically responsible, under the Agent's coordination, for defining the measures required for execution and ensuring that they are then implemented.

Moreover, while its role in effecting execution means that the Working Group should be comprised of representatives of the courts, the Supreme Court's Analytical Department, the Milli Majlis and ministries and other state bodies that have a role to play in this (whether as regards changes to legislation, the harmonisation or revision of judicial and administrative practice and particular training requirements) or can provide relevant expertise (such as the Center for Legal Examination and Legislative Initiatives and the Institute of Law and Human Rights) ought also to be included in its membership even if not always needed to attend for a particular matter of execution. In addition, representatives from the AHRC, academia, civil society and the legal profession should also be able to provide their input as to the appropriateness of the measures being considered by the Working Group.

Thus, the legal framework for the composition and functioning of the Working Group should be elaborated to ensure that all these issues are addressed so that its role in the execution of judgments and decisions of the ECtHR is appropriately defined.

*Sub-goal 1.3: Review and strengthen the administrative support provided for the Agent's role in execution of judgments and decisions of the ECtHR*

The Agent and her/his staff have become a part of the structure of the Law Enforcement Bodies Department and Human Rights Protection Division recently established within the Presidential Administration.

The potential for this development to enhance the effectiveness of the Agent's role in executing judgments and decisions of the ECtHR would thus benefit from undertaking an evaluation of the strengths and weaknesses of the new arrangements and then revising them in the light of the experience of other Council of Europe member States that have established a discrete Office of the Government Agent.

Moreover, there is a need (a) to define and apply appropriate criteria for the selection of the staff supporting the role of the Agent in executing judgments and decisions of the ECtHR, particularly as regards both their knowledge and understanding of the ECtHR's case law and the requirements of the execution process and their ability to assist the latter process, and (b) to ensure that the level of staffing and other resources is sufficient for the discharge of this role.

For the development of competences and training of staff see Sub-goal 5.2 below.

*Sub-goal 1.4: Prepare proposals for a more effective legal framework for the re-opening and re-examination of proceedings where this is required for the execution of judgments and decisions of the ECtHR*

Although there is a legal basis for re-opening and re-examining judicial proceedings where a violation of the ECHR is found by the ECtHR, it is insufficiently clear whether this can be invoked where this might be needed in respect of friendly settlements or unilateral declarations. Moreover, there is no prescribed procedure to be followed once the Agent receives the relevant ruling of the ECtHR, notably as regards transmittal to the Supreme Court and the General Prosecutor's Office, translation, notification and involvement of the applicant concerned, initiation of the process, its applicability to other cases vitiated by the same defect and the deadlines to be observed. Furthermore, there is a need to deal with the issue of the legitimate interests of third parties and passage of time (*res judicata*) possibly precluding the reopening of civil proceedings.

Thus, proposals regarding the existing legislative provisions for the re-opening and re-examination of proceedings should be prepared with a view to ensuring that all these

shortcomings are remedied and thereby allow this to occur in a timely fashion whenever required for the execution of judgments and decisions of the ECtHR.

***Goal 2: Improve coordination and cooperation in the execution process***

The efficient conduct of the process of executing judgments and decisions of the ECtHR requires the effective coordination of the activities of all state authorities and institutions whose effective participation is essential for the proper remedy of the shortcomings identified by it or acknowledged by the State. Such coordination depends on more than just establishing the legal framework in which this is to take place.

***Sub-goal 2.1: Adopt and implement Guidelines for the execution process***

Even if there is an adequate legal provision regarding the composition and functioning of the Working Group, its members need to have a clear understanding of their respective roles that they are expected to play in the execution process, whether as regards changes to legislation, the harmonisation or revision of judicial and administrative practice and particular training requirements.

The adoption of Guidelines describing in detail the execution process and the role of the Agent and other responsible institutions could contribute to developing an awareness of all involved institutions as to their expected contribution and the need for them to provide effective support to the Agent in coordinating execution of a judgment. Such Guidelines would also promote transparency in the execution process.

It will be important in drafting the Guidelines to make it clear that it is the role and responsibility of the Agent to provide the members of the Working Group with a preliminary identification of both the likely measures that the judgment or decision requires to be taken for the purpose of execution and the institution(s) responsible for taking them. This identification might be revised in the light of information provided by members of the Working Group, as well as any data that the Agent suggests is necessary, but its existence would provide a basis for maintaining oversight of the extent to which necessary measures are being taken and for ensuring that there is no inaction in the course of dealing with a particular judgment or decision, particularly as regards providing the Agent with all the information that s/he requires to provide to the CM and the DEJ. Where the supervision of execution would require the gathering of (statistical) data, the Guidelines should underline the need for the institution responsible to respond to a request for it by the Agent at an early stage, thus enabling its appropriate and prompt collection for a structured presentation of the data required.

Moreover, the Guidelines should indicate that, where execution requires changes to legislation, it will be the responsibility of the Agent to notify the institutions specifically responsible for



drafting legislation and sharing the recommendations and Interim resolutions of the CM as to the changes required.

*Sub-goal 2.2: Ensure early translation and dissemination of ECtHR judgments and decisions*

At present, the Supreme Court undertakes the translation of judgments of the ECtHR into Azerbaijani. This appears to be done initially for the internal use of its judges and it is not clear when the translation might be posted on the Supreme Court's website. While it is also not clear whether delays in translation are a factor that precludes early re-opening of proceedings where this is required to execute a judgment or decision of the ECtHR, an applicant may face difficulties in seeking to initiate this process with an untranslated judgment or decision. In any event, there do not seem to be a sufficient number of qualified translators available to ensure that translation of judgments and decisions of the ECtHR occurs in a manner that would facilitate their prompt execution.

Furthermore, early translation of judgments and decisions of the ECtHR in which violations of the ECHR by Azerbaijan have been found or shortcomings in its application have been acknowledged by the State is essential if the courts and authorities are to adjust their current approach accordingly, as well as where legislative changes need to be adopted.

Obtaining a qualified translation of judgments and decisions of the ECtHR much earlier could be facilitated by the Agent having the responsibility for initiating this process as soon as s/he receives them from the ECtHR and being required, as soon as they become available, to publish the translations in the official gazette and to transmit copies of them to the Supreme Court (for publication on its website), the General Prosecutor's Office and the applicant(s) concerned. This would also require a pool of professionals with the highest legal and human rights expertise (in particular the ECHR and the case law of the ECtHR) and the highest linguistic competence (in both English and French) being identified and given appropriate training with respect to translating judgments and decisions of the ECtHR.

These translations should be forwarded to the ECtHR for inclusion in the HUDOC database so that they might also become accessible to those who use it. Furthermore, the usefulness of this database might be enhanced by requesting the ECtHR to add Azerbaijani to the current interfaces available to potential users.

*Sub-goal 2.3: Enhance the arrangements for analysing judicial practice and ensuring its compliance with the requirements for execution of judgments and decisions of the ECtHR*

The Supreme Court's Analytical Department conducts research and analysis of decisions of the Supreme Court. In order for the Agent to be able to indicate to the CM and the DEJ the extent to which judicial practice has evolved to address satisfactorily those matters found problematic

in judgments and decisions of the ECtHR, it would be useful if it undertook analysis of those decisions to verify whether the case law of the ECtHR was being correctly applied and if similar analysis – using the same methodology - was undertaken by comparable departments or units in first instance and appellate courts with respect to the decisions of those courts. All these departments, including that of the Supreme Court, should have the necessary terms of reference for gathering such information and having the responsibility for providing it to the Agent following judgments and decisions of the ECtHR for the purpose of their execution.

Furthermore, where matters coming before the Supreme Court relate to any aspect of the execution of judgments and decisions of the ECtHR, it would be appropriate for these to be determined by its Plenum as this would facilitate proper and uniform application of the requirements of the relevant judgment or decision by all the courts. Indeed, the CM has called for the adoption by the Plenum of guidelines on the application and interpretation of various ECHR issues for the lower courts. The possible need for the adoption of such guidelines following a judgment or decision of the ECtHR in respect of the Republic of Azerbaijan should, therefore, always be considered by the Supreme Court.

***Goal 3: Resolving the backlog of cases pending execution and ensure appropriate and timely communication with DEJ***

Two of the problematic issues relating to the execution of judgments and decisions of the ECtHR concern the existence of a backlog of pending cases and the inability always to provide the DEJ in a timely fashion with all the information that it requires for the supervision of execution.

*Sub-goal 3.1: Create groups of pending cases*

It is well understood that the execution requirements for judgments of the ECtHR can vary significantly as some can be particularly complex (especially if institutional and legislation reform is required) and others may not be susceptible to most satisfactory form of resolution because of the passage of time (notably those in which the violation arose from the absence of an effective investigation). Understanding the different requirements involved in execution is especially important where the cases concerned have been pending for some considerable time, as is the position regarding some of those against the Republic of Azerbaijan.

A first step to addressing the problem of these pending cases would be to group them by reference to the particular approach they require for execution. This identification could be most usefully done in cooperation with the DEJ, clarifying those that are potentially ready for closure with minimal further action, those that might be addressed by interim solutions (such as a moratorium), those for which legislative or administrative changes are essential and those in which an impact assessment is needed for changes that have already been adopted.

*Sub-goal 3.2: Prioritise those cases for which supervision can most readily be closed*

In the light of the outcome of the creation of groups of cases, the giving of priority to those for which examination by the CM can more readily be closed will mean that resources can then be freed up to deal with those of a more complex character. The process of giving them priority will entail identifying the current obstacles to closure.

For example, in those cases for which the ECtHR found a violation of the ECHR on account of the failure to conduct an effective investigation, there has often been the undertaking of renewed investigations without any satisfactory result. For some of them, there is indeed no realistic possibility of such a result being achieved and the only impediment to closing the case through an alternative remedy such as compensation would be obtaining the agreement of the applicants concerned to closing the investigation. This may be the situation with some other cases that have been pending execution for a considerable time.

The need, therefore, is to focus efforts on finding a solution to practical impediments of this kind – which is acceptable both to the applicants and the DEJ - so that it is no longer required to report on the fact that a satisfactory resolution of the cases concerned has yet to be found.

*Sub-goal 3.3: Identify those cases for which closure will only be possible through the provision of additional resources and/or training and ensure that this occurs as speedily as possible*

In respect of certain cases, closure may only be possible once additional resources and/or training are provided. This appears to be the situation for some of those for which an effective investigation or the re-opening of proceedings is required, as well as some of those concerned with: the conduct of judicial proceedings and law enforcement officers; detention conditions; the enforcement of judgments; the housing of internally displaced persons and the registration and dissolution of associations.

The need, therefore, is to identify all such cases and the resources and/or training that would be required to secure their closure. Once that has been established in cooperation with the DEJ, appropriate steps should then be taken to secure the allocation of the necessary resources and to undertake the training required. It is unlikely that, before the general arrangements for execution have been revised in the light of Goal 1, the disbursement of the resources and the organisation of the training required for the execution of particular judgments and decisions could be carried out effectively without putting in place some ad hoc arrangements for this purpose. Furthermore, the experience of other States Parties with similar exceptional problems relating to execution should be drawn upon.

*Sub-goal 3.4: Prepare proposals for legislative reforms required in respect of judgments and decisions of the ECtHR pending execution*

There are certain cases for which closure is unlikely to be possible without certain legislative changes being adopted and implemented. This seems to be especially so in respect of arrangements relating to extradition, certain aspects of civil and criminal proceedings, the conduct of elections, liability for ill-treatment, the disbarment of lawyers and the exercise of the right to freedom of peaceful assembly. In some instances, draft legislative reforms have been prepared but not adopted whereas in others such preparation has yet to be undertaken.

The need, therefore, is to identify the obstacles to the adoption of the legislative reforms for which drafts already exist and to find appropriate solutions. At the same time, where proposals for legislative reforms have yet to be prepared, this should be undertaken as soon as practicable.

*Sub-goal 3.5: Ensure timely and appropriate submission of action plans, reports and required additional information by the DEJ or the CM*

The engagement of the Republic of Azerbaijan with the DEJ is constructive and cooperative, with an increased number of action plans/reports continuing to be submitted. However, the submissions to the DEJ can sometimes be no more than an assemblage of information that lacks the specific information regarding the measures needed to address different issues arising from judgments and decisions of the ECtHR, including as to why proposed general measures will resolve a problem and prevent any repetition. This is partly attributable to the Agent himself not obtaining the necessary information from the relevant institutions. This makes it difficult to assess what, if any, progress has been made. Moreover, where various measures are reported to have been taken, there tends not to be any impact assessment (whether in form of statistics or case law developments) so that it is not possible to reach any conclusion as to whether those measures are actually sufficient for the purpose of execution.

The achievement of Goal 2 in respect of coordination and cooperation, together with attention to the staffing support for the Agent that is the subject of sub-goal 1.3 and the training that is the subject of Sub-goal 5.2 should contribute to addressing these problems. It would, however, be useful if in addition greater attention was paid to the feedback being provided by the DEJ as to what it needed for the purpose of fulfilling its responsibilities in connection with supervising the execution of judgments and decisions of the ECtHR. Furthermore, due account should be taken of the [Guide for the drafting of action plans and reports for the execution of judgments of the European Court of Human Rights](#), (now translated into Azerbaijani).

***Goal 4: Take steps to improve the domestic monitoring of execution by the Milli Majlis and Commissioner for Human Rights of the Republic of Azerbaijan***

Parliaments can play an important role in ensuring that the necessary steps are being taken to execute judgments and decisions of the ECtHR where they are kept informed of the measures being taken in that regard. Similarly, NHRIs, including Ombudsperson institutions, can and should contribute to the execution process through their monitoring of the effectiveness of such measures.

*Sub-goal 4.1. Examine the scope for the Milli Majlis to play a part in the monitoring process*

In some member States, parliaments review analytical reports presented to them by the Agent and other material relevant to the execution process. The examination of such reports and material can also include representatives of all public institutions concerned with the execution process, NHRIs and representatives of civil society.

Before considering the adoption of such arrangements, steps should be taken to understand how these operate and how they might best be adapted as part of the processes followed by the Milli Majlis.

*Sub-goal 4.2. Ensure the availability of appropriate expertise to support monitoring by the Milli Majlis*

The effectiveness of monitoring by the Milli Majlis will ultimately be dependent on it being able to call upon appropriate expertise regarding the requirements of the ECHR and the case law of the ECtHR.

This could partly be achieved through a special unit within the Milli Majlis's Secretariat comprised of a sufficient number of staff members with such expertise. However, consideration should also be given to enabling the Human Rights Committee, in particular, call upon the assistance of recognised national and international experts to facilitate the monitoring process by providing advice as to what is entailed in the execution of judgments and decisions of the ECtHR, including as to the approach taken by other CoE member States facing similar problems. Such consideration should be undertaken in parallel with the examination of monitoring arrangements by parliaments in other CoE member States.

*Sub-goal 4.3. Prepare proposals allowing the AHRC to contribute to the monitoring process*

Proposals should be prepared that would allow the AHRC to provide input as to the appropriateness of the measures being considered by the Working Group for the purpose of

executing judgments and decisions of the ECtHR and to take part in the examination of any monitoring of execution that is ultimately undertaken by the Milli Majlis

The contribution of the AHRC to monitoring would also be enhanced by its preparation of conclusions and recommendations with respect to the execution of judgments and decisions of the ECtHR forming an integral, separate part of its Annual Report concerning the state of protection of human rights and freedoms presented and discussed in the Milli Majlis.

In addition, the AHRC should be authorised to submit communications to the CM under Rule 9(2) of its Rules of Procedure regarding the means of execution of a judgment of the ECtHR and on proposals submitted in action plans and action reports submitted by the Agent.

Furthermore, consideration should be given to the AHRC being authorised to appear as a third party in proceedings concerned with the re-opening or re-examination of judgments and decisions of the ECtHR as this might facilitate the determination of the matter by the courts. Moreover, it ought to be recognised as being entitled to undertake an assessment of measures adopted for the purpose of execution to determine whether these have in fact proved sufficient and to publish reports on problems relating to the execution of judgments and decisions of the ECtHR.

In all its activities relating to the execution process, the AHRC should be entitled, like any NHRI, to cooperate with specialised, trustworthy civil society organisations and institutions.

#### *Sub-goal 4.4. Ensure the staffing and resources required for effective monitoring by the AHRC*

The AHRC does not currently have the resources and sufficient appropriately specialised staff to support the monitoring of the execution of judgments and decisions of the ECtHR which should be undertaken by the AHRC.

The AHRC should thus be provided with the the necessary expertise to undertake this monitoring.

#### ***Goal 5: Ensure adequate training for all concerned with execution***

Training is crucial for those whose activities are fundamental to fulfilling the requirements of executing a particular judgment or decision, whether this be judges or public officials. However, it is also vital for those who have a role to play in the execution process, whether in determining what this should entail in a given case, notably the Agent, or in making submissions to the Human Rights Committee, the DEJ and the CM. Furthermore, it is important that the effectiveness of the impact that such training has had should be properly assessed.

*Subgoal 5.1: Ensure that the Agent is involved, with other relevant institutions, such as the Supreme Court and the Justice Academy, in planning of trainings judges and officials required for the execution of judgments and decisions of the ECtHR and the implementation of ECHR standards and EctHR case-law in general and ensuring the impact assessment of those trainings*

Although training for judges and officials is the principal responsibility of particular bodies, such as the Justice Academy, there is a need to ensure that both the content and timing of training relevant for the purpose of executing judgments and decisions of the EctHR is appropriate.

The Agent should play a role in this regard with the Justice Academy as to the content of training by specifying as soon as practicable after the receipt of a judgment or decision what will be the training required and the need for this to be given priority in the training schedule. Moreover, this role could usefully be extended with regard to those bodies that are responsible for training public officials. Wherever appropriate, use should be made of the courses available on the platform of the European Programme for Human Rights Education for Legal Professionals (HELP).

Where training is relevant for the supervision of execution and thus has to be reported to the DEJ, the Agent should inform the relevant training institutions in advance that they should submit reports about the conduct of such training to it. Moreover, there should also be put in place arrangements to assess the impact of training that has been provided, in which bodies such as the Analytical Departments of the Supreme Court (as well as such departments for other courts once established) could play a role by monitoring the evolution of practice. All such assessments should be promptly and regularly notified to the Agent so that s/he can use them in her/his submissions to the CM.

*Subgoal 5.2: Provide appropriate training for staff of the Agent and other officials engaged in the execution process*

The existing staff of the Agent have a good familiarity with the execution process but it is clear that the interaction with the DEJ could be enhanced through better appreciation as to what is required from its perspective for the purpose of effective and timely execution. It would be desirable, therefore, for the staff to have study visit and/or secondments to the DEJ so that they can gain a better understanding as to how interactions with it can facilitate execution, especially as regards the requirements for action plans and reports.<sup>1</sup> Such placements would only be feasible if the Agent has an adequate level of staffing, the need which has already been noted under Sub-goal 1.3.

In addition to placements for existing staff of the Agent, arrangements should also be put in place for training as to execution requirements both for staff recruited to it and for those officials who will take part in the Working Group that has been established so that they fully appreciate their

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<sup>1</sup> See the [Guide for the drafting of action plans and reports for the execution of judgments of the European Court of Human Rights](#).

respective roles. The specific module on Execution of Judgments of the European Court of Human Rights of the HELP course on Introduction to the European Convention on Human Rights and the European Court of Human Rights should form part of this training autonomously or together with the two other modules.

*Subgoal 5.3: Provide appropriate resources for lawyers to understand their role in the execution of judgments and decisions concerning the applicants they have represented*

The role of lawyers who have represented an applicant before the ECtHR will not necessarily stop with the judgment or decision rendered by the ECtHR. There may also be a need for the lawyer to assist the applicant in working through the domestic procedures relating to execution and, if necessary, in taking up problems in securing execution with the CM. This could usefully be achieved through the establishment of a self-training module on these aspects of the execution process, drawing upon the HELP course module on Execution of Judgments of the European Court of Human Rights of the HELP course on Introduction to the European Convention on Human Rights and the European Court of Human Rights, which could be accessed by individual lawyers as and when required, possibly on the website envisaged in subgoal 1.1. Such a module could also facilitate the interaction of the Agent with the representatives of successful applicants to the ECtHR.

*Subgoal 5.4: Provide appropriate training for staff supporting the monitoring of execution*

Although judges and public officials have the primary responsibility for ensuring that execution of judgments and decisions of the ECtHR is effectively carried out, it is clear that an important role is played in this process by the staff of those entities concerned with monitoring whether the measures proposed and taken for execution are both appropriate and sufficient, namely the staff of the Secretariat of the Milli Majlis, the AHRC and those NGOs with a focus on this issue.

Each of these groups of staff would thus benefit from training as to requirements for the execution of judgments and decisions of the ECtHR that is specifically tailored to their distinctive roles in monitoring of this process. Such training should be directed to ensuring, as far as practicable, that it enables the institutions themselves to enhance the capacity of any staff working on execution which they may recruit in the future.

In addition, the AHRC and NGOs could separately draw upon the training that can be provided by the European Implementation Network.

Finally, as the usefulness of the submissions of the AHRC and NGOs could be enhanced through these being sufficiently focused on what is relevant for a particular case, this could be facilitated through each of them being given a briefing from the DEJ as to how to approach this.



### C. Action Plan

<b>Abbreviations</b>					
CoE	Council of Europe				
DEJ	Council of Europe’s Department for the Execution of Judgments of the European Court of Human Rights				
ECHR	European Convention on Human Rights				
ECtHR	European Court of Human Rights				
Agent	Authorised Representative (Agent) of the Republic of Azerbaijan to the European Court				
PA	The Administration of the President of the Republic of Azerbaijan				
AHRC	Commissioner for Human Rights of the Republic of Azerbaijan				
SC	Supreme Court				
SC AD	Supreme Court Analytical Department				
PGO	Prosecutor General’s Office				
MoJ	Ministry of Justice				
JA	Ministry of Justice’s Justice Academy				
ILHR	Institute of Law and Human Rights				
HRC	Human Rights Committee				
CSOs	Civil Society Organisations				
<b>N.B. The deadlines run from the adoption of the Action Plan except where there are linked actions, in which case the deadline runs from the completion of the immediately preceding action (shown by +)</b>					
	<b>Actions</b>	<b>Leading institution</b>	<b>Participating institution</b>	<b>Deadline</b>	<b>Benchmark</b>
<b>Goal 1: Establish an effective legislative and administrative framework for executing judgments and decisions of the ECtHR</b>					
Sub-goal 1.1: Prepare proposals for a detailed legal framework for the functioning of the Agent in respect of the execution of judgments and decisions	Review the existing Regulation and identify the powers that need to be specifically added to ensure the effective functioning of the execution process	Agent	CoE, Relevant ministries, Milli Majlis, PGO, CSOs	6 months	End of review
	Prepare a draft of the Regulation which includes the powers considered to be missing	Agent	CoE	+9 months	End of consultation

	and seek the views of relevant stakeholders as to whether anything should be added or changed  Submit the proposed revised Regulation for adoption	Agent		+3 months	Submission of revised Regulation
Sub-goal 1.2: Prepare proposals for a legal framework for an inter-institutional working group devoted to the execution of judgments and decisions of the ECtHR	In parallel with the Guidelines' consultation [Subgoal 2.1], review effectiveness of existing arrangements with a view to establishing what specific form of inter-institutional working group would be more useful	Agent	CoE, Relevant ministries, Milli Majlis, PGO	9 months	End of review
	Prepare draft proposal for the specific arrangement seen as preferable, identifying participation and respective responsibilities	Agent	CoE	+6 months	Draft proposal prepared
	Invite comments by AHRC and civil society	Agent	AHRC, CSOs	+6 months	End of consultation
	Revised draft proposal and submit it for adoption	Agent		+6 months	Submission of draft proposal
Sub-goal 1.3: Review and strengthen the administrative support provided for the Agent's role in execution of judgments and decisions of the ECtHR	Review staffing needs of the Agent to establish whether temporary or permanent reinforcement is required (taking into account of potential impact on workload of secondments and study visits)	Agent	PA	3 months	Completion of review
	Appoint temporary or permanent additional staff	Agent	PA	6 months	Appointment of additional staff
Sub-goal 1.4: Prepare proposals for a more effective legal framework for the re-opening and re-examination of	Prepare proposed draft amendments to the provisions in the relevant procedure codes	Agent	CoE	6 months	Proposed draft amendments prepared

proceedings where this is required for the execution of judgments and decisions of the ECtHR	which deal with the possibility of re-opening and re-examination of proceedings	Agent	CoE, Relevant ministries, Milli Majlis, PGO, AHRC, CSOs	+6 months	End of consultation
	Seek the views of relevant stakeholders as to whether anything should be added or changed in the proposed draft amendments	Agent		+6 months	Submission of proposed amendments
	Revise and submit proposed draft amendments for adoption				
<b>Goal 2: Improve coordination and cooperation in the execution process</b>					
Sub-goal 2.1: Adopt and implement Guidelines for the execution process	Consultation with all official entities having some responsibility for execution on proposals guidelines for the process (including the information flow to the Government and the Parliament) to be followed	Agent	CoE, Relevant ministries, Milli Majlis, PGO	8 months	End of consultation
	Prepare proposed draft Guidelines	Agent	CoE	+3 months	Draft prepared
	Invite comments on proposed draft Guidelines by AHRC and civil society	Agent	AHRC, CSOs	+3 months	End of consultation
	Adopt Guidelines	Agent	Relevant ministries, Milli Majlis, PGO	+2 months	Begin to follow Guidelines
Sub-goal 2.2: Ensure early translation and dissemination of ECtHR judgments and decisions	Review present arrangements for translating ECtHR judgments and decisions, including scope for using a translation tool (e.g., Lingvanex), to maximise their effectiveness and promptness	Agent	SC AD	6 months	Completion of review

	Start distributing summary translations to all relevant stakeholders and applicants as soon as possible after receipt from ECtHR	Agent	SC AD	+6 months	Initiation of new distribution arrangement
	Publish full translation on both official website and on the website of the SC and submit copy to ECtHR for inclusion in HUDOC	Agent	SC AD	+6 months	Initiation of new publication arrangement
Sub-goal 2.3: Enhance the arrangements for analysing judicial practice and ensuring its compliance with the requirements for execution of judgments and decisions of the ECtHR	Review the capacity of analytical departments of the SC and of the appellate courts to provide information on judicial practice relating to the execution of ECtHR judgments and decisions	SC AD	CoE, Appellate courts	9 months	Completion of review
	Provide any additional resources required to gather and provide this information and include its gathering and provision within the terms of reference of those departments	MoJ		+6 months	Provision of resources and specification of terms of reference
	Review process for adopting guidelines to ensure that the need for their adoption by the Plenum is always considered by the SC following a judgment or decision of the ECtHR	SC		3 months	Completion of review
<b>Goal 3: Resolve the backlog of cases pending execution and ensure appropriate and timely communication with DEJ</b>					
Sub-goal 3.1: Create groups of pending cases	Identification by Agent staff of individual and general measures likely to be required for closure of pending cases	Agent		3 months	General measures identified
	Create draft groups of pending cases based on the nature of the individual and general	Agent		+3 months	Draft groups created

	<p>measures likely to be required and the respective ease of adopting them (i.e., short, medium or long-term)</p> <p>Seek views of the DEJ on the draft groups</p>	Agent	DEJ	+6 months	End of consultation
Sub-goal 3.2: Prioritise those cases for which supervision can most readily be closed	Ensure that an appropriate number of staff are tasked with the purpose of speedily processing those cases that have been identified as easily resolvable in the short term	Agent		3 months after actions for Sub-goal 3.1 completed	Staffing allocated and work to close cases commenced
Sub-goal 3.3: Identify those cases for which closure will only be possible through the provision of additional resources and/or training and ensure that this occurs as speedily as possible	<p>Seek the assistance of relevant ministries for the allocation of appropriate resources to allow the closure of those groups of cases for which this has been identified as a prerequisite</p> <p>Cooperate with relevant bodies in developing the training programmes to allow the closure of those groups of cases for which this has been identified as a prerequisite</p>	Agent  Agent	Relevant ministries  JA, ILHR, Other training bodies, CoE	6 months after actions for Sub-goal 3.1 completed  +12 months	Allocation of resources  Training programmes implemented
Sub-goal 3.4: Prepare proposals for legislative reforms required in respect of judgments and decisions of the ECtHR pending execution	Prepare proposals for specific legislative amendments to allow the closure of those groups of cases for which this has been identified as a prerequisite	Relevant ministries	Agent	18 months	Preparation of draft legislative amendments
Sub-goal 3.5: Ensure timely and appropriate submission of action plans, reports and required additional information by the DEJ or the CM	Meeting with DEJ to identify ways in which AOs/Ars and other provision of information (including impact assessment) could be enhanced	Agent	DEJ	6 months	Meeting held

	Take account of the outcome of this meeting in the preparation of the Guidelines being drafted	Agent		+12 months	Preparation of draft Guidelines
	Plan study visits and secondments for future years	Agent	DEJ	Ongoing	Agreement on plan
<b>Goal 4: Take steps to improve the domestic monitoring of execution by the Milli Majlis and Commissioner for Human Rights of the Republic of Azerbaijan</b>					
Sub-goal 4.1. Examine the scope for the Milli Majlis to play a part in the monitoring process	Review arrangements in other parliaments that undertake the monitoring of execution of judgments and decisions of the ECtHR and identify how these could be taken into account in the Rules of Procedure of the Milli Majlis	HRC	Agent, CoE	12 months	Review completed
Sub-goal 4.2. Ensure the availability of appropriate expertise to support monitoring by the Milli Majlis	Review ability of the Milli Majlis to make use of national and international experts when monitoring the execution of judgments and decisions of the ECtHR and identify any changes to Rules of Procedure or other legal acts that might be required	Milli Majlis	Agent, CoE	12 months	Review completed
Sub-goal 4.3. Prepare proposals allowing the AHRC to contribute to the monitoring process	Review competence of the AHRC to make submissions to the inter-institutional working group or other arrangement envisaged in sub-goal 1.2 and to the Milli Majlis should it ultimately monitor the execution process	AHRC	Agent, CoE	18 months	Review completed
Sub-goal 4.4. Ensure the staffing and resources required for effective monitoring by the AHRC	Review staffing needs of the AHRC to establish whether temporary or permanent reinforcement is required	AHRC		6 months	Completion of review

	Provision of additional resources required for the reinforcement found to be necessary	PA		+6 months	Resources provided
	Appoint temporary or permanent additional staff	AHRC		+6 months	Appointment of additional staff
<b>Goal 5: Ensure adequate training for all concerned with execution</b>					
Sub-goal 5.1: Ensure that the Agent is involved, with other relevant institutions, such as the Supreme Court and the Justice Academy, in planning and ensuring the impact assessment of trainings judges and officials required for the execution of judgments and decisions of the ECtHR and the implementation of ECHR standards and ECtHR case-law in general	Institution of yearly meetings to plan training needs in the light of execution requirements	JA	Agent, SC AD	6 months	Agreement on yearly meetings concluded
	Guidance provided to JA, ILHR and other training bodies on evaluating effectiveness of training	CoE	JA, ILHR and Other training bodies	+12 months	Provision of guidance
	Guidance provided to Agent and SC AD on how impact of training is to be assessed	CoE	Agent, SC AD	+8 months	Provision of guidance
Sub-goal 5.2: Provide appropriate training for staff of the Agent and other officials engaged in the execution process	Plan study visits and secondments for future years	Agent	DEJ	Ongoing	Agreement on plan
Sub-goal 5.3: Provide appropriate resources for lawyers to understand their role in the execution of judgments and decisions concerning the applicants they have represented	Establishment of self-training module on these aspects of the execution process which could be accessed by individual lawyers as and when required	CoE	Agent	12 months	Creation of module
Sub-goal 5.4: Provide appropriate training for staff of the AHRC and NGOs on the monitoring of execution	Briefing on the execution process and rule 9 procedure for AHRC	DEJ	AHRC	9 months	Briefing provided
	Training programme on execution for CSOs	CoE	CSOs	+12 months	Training provided