

HUMAN RIGHTS,  
DEMOCRACY  
AND THE RULE OF LAW

COUNCIL OF EUROPE



DROITS DE L'HOMME,  
DÉMOCRATIE  
ET ÉTAT DE DROIT

CONSEIL DE L'EUROPE

# What kind of challenges in enforcement of European Court's judgments concerning « non-enforcement »?

**Pavlo Pushkar, PhD**  
**Head of division,**

**Department for Execution of Judgments of the European Court of Human Rights**  
**Directorate General of Human Rights and the Rule of Law**  
**Council of Europe**



PRÉSIDENTIE DU / PRESIDENCY OF  
**LUXEMBOURG**  
CONSEIL DE L'EUROPE / COUNCIL OF EUROPE  
11/2024 - 05/2025

## International Conference

BETTER ENFORCEMENT OF NATIONAL  
JUDICIAL DECISIONS: A HUMAN RIGHTS  
AND RULE OF LAW REQUIREMENT  
Principles, challenges and possible solutions

17 March 2025



EUROPEAN CONVENTION  
ON HUMAN RIGHTS  
CONVENTION EUROPÉENNE  
DES DROITS DE L'HOMME  
1950 - 2025 **75**



## Themes to be covered

- I. Why are we speaking about enforcement of the domestic judgments?
- II. The problem of domestic non-enforcement under the European Convention on Human Rights and where do we stand?
- III. What are the challenges for « better enforcement » of domestic judgments and what are the solutions for these challenges?

## I. The problem of “non-enforcement”

- ❑ The problem of domestic non-enforcement and the European Convention on Human Rights and its *status quo*
  - A general problem of rule of law and access to justice
  - First identified as far as 1997 as a clearly distinct separate issue
  - Accumulation of cases before the Court and the CM
  - Stronger case-law of the Court, more detailed
- ❑ The problem of non-execution before the CM:
  - Much more developed analysis / more concrete decisions
  - Better identified problem, with clearer understood root causes (overarching problem within the State concerned)
  - E.g. Lack of funds = why lack of funds? (root cause analysis)
  - Larger issue of the role of the judiciary in public administration and good governance = essentially an issues of judicial independence and separation of powers

## II. Challenges and how to overcome them

- ✓ Where non-enforcement is at the heart of the ECtHR judgment, it is quite frequent that the judgment reveals complex endemic problem
- ✓ Systemic and structural problems require coherent multi-layer change (legislature, institutions, practical change)
- ✓ Planning of change is required with careful analysis of the root causes (Strategy and action plans have succeeded if implemented)
- ✓ Step-by-step work is required (otherwise negative outcome)

### III. Challenges and how to overcome them

- ✓ Horizontal coherence and pace of change, where the issue concern systemic and structural problems is necessary
- ✓ Piloting *ad hoc* solutions and then expanding them to entire system
- ✓ Positive change = positive results for rule of law / overall system
- ✓ Committee of Ministers practice, its *acquis*, offers a range of practical solutions that worked in practice
- ✓ More is necessary to enhance and detail solutions offered for challenges (discussion of enhanced standards)

## **Conclusions**

**Better enforcement of domestic judicial  
decisions:**

**Why? What? How?**

**THANK YOU FOR YOUR ATTENTION**

**ДЯКУЮ!**