



Joint NGO Response to the draft Brussels Declaration on the “Implementation of the European Convention on Human Rights, our shared responsibility”

27 March 2015

As NGOs present at the Brussels conference on the implementation of the European Convention on Human Rights, we welcome the draft Declaration’s deadline of June 2016 to improve the execution of the judgments of the European Court of Human Rights, but regret that it does not set out the specific measures that states and the Committee of Ministers should take to improve implementation.

We are therefore responding to the final draft of the Brussels Declaration to be adopted today, with 10 specific action points.

By June 2016 states should report to the Committee of Ministers on:

1. How compatibility of draft and existing legislation with the European Convention and with the European Court’s case law is assessed;
2. How national parliaments hold governments to account for executing judgments (both individual and general measures);
3. How the case law of domestic courts takes into account, and where appropriate, implements European Court judgments, and how judgments are reported and disseminated to the judiciary and judicial training institutions;
4. How civil society is involved in the execution of judgments at the national level, including being consulted as to the contents of Action Plans;
5. What domestic accountability mechanisms exist for the non-execution of judgments, in particular where the failure to execute is persistent.

Furthermore, by June 2016 the Committee of Ministers should publicly report on:

6. What specific measures the Committee of Ministers has introduced in order (a) to enhance the transparency of its working methods and the process of execution, and (b) to increase the resources of the Department for the Execution of Judgments;
7. What measures it has taken in following up on judgments that concern systematic, systemic, widespread, or gross human rights violations;

8. What measures the Committee has taken to increase its technical capacity to effectively supervise the execution of judgments, including receiving independent expert advice concerning the state of execution.

9. What measures the Committee has taken to enhance the “political leverage” on states that are persistent non-compliers, including invoking proceedings under Article 46(4);

10. What measures have been taken to facilitate and increase the involvement of civil society organisations in the supervision of the execution of judgments.