

COUNCIL OF EUROPE
COMMITTEE OF MINISTERS

**Declaration of the Committee of Ministers
Ensuring the effectiveness of the implementation of the European
Convention on Human Rights at national and European levels**

*(adopted by the Committee of Ministers on 12 May 2004,
at its 114th Session)*

The Committee of Ministers,

Referring to the Declaration *The European Convention on Human Rights at 50: what future for the protection of human rights in Europe?* adopted by the European Ministerial Conference on Human Rights, held in Rome to commemorate the 50th anniversary of the Convention on 4 November 2000;

Reaffirming the central role that the Convention must continue to play as a constitutional instrument of European public order, on which the democratic stability of the Continent depends;

Recalling that the Ministerial Conference Declaration emphasized that it falls in the first place to the Member States to ensure that human rights are respected, in full implementation of their international commitments;

Considering that it is indispensable that any reform of the Convention aimed at guaranteeing the long-term effectiveness of the European Court of Human Rights be accompanied by effective national measures by the legislature, the executive and the judiciary to ensure protection of Convention rights at the domestic level, in full conformity with the principle of subsidiarity and the obligations of Member States under Article 1 of the Convention;

Recalling that, according to Article 46, paragraph 1 of the Convention, “the High Contracting Parties undertake to abide by the final judgments of the Court in any case to which they are parties”;

Recalling the various Recommendations it adopted to help Member States to fulfil their obligations:

Recommendation Rec(2000)2 on the re-examination or reopening of certain cases at domestic level following judgments of the European Court of Human Rights;

Recommendation Rec(2002)13 on the publication and dissemination in the Member States of the text of the European Convention on Human Rights and of the case-law of the European Court of Human Rights;

Recommendation Rec(2004)4 on the European Convention on Human Rights in university education and professional training;

Recommendation Rec(2004)5 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 on the improvement of domestic remedies;

Recalling that the following Resolutions were brought to the attention of the Court:

Resolution Res(2002)58 on the publication and dissemination of the case-law of the European Court of Human Rights;

Resolution Res(2002)59 concerning the practice in respect of friendly settlements;

Resolution Res(2004)3 on judgments revealing an underlying systemic problem;

Recalling that, on 10 January 2001, it adopted new Rules for the supervision of the execution of the Court's judgments under Article 46, paragraph 2 of the Convention, following the instructions given at the Ministerial Conference;

Considering that the Ministerial Conference Declaration gave the decisive political impetus for a determined initiative of Member States aimed at guaranteeing the long-term effectiveness of the Court so as to enable it to continue to protect human rights in Europe;

Welcoming the fact that the work which began immediately after the Conference has made it possible for the Committee of Ministers, at its 114th Session on 12-13 May 2004, to open for signature amending Protocol No. 14 to the Convention;

Considering that the reform introduced by the Protocol aims at preserving the effectiveness of the right of individual application in the context of steadily growing numbers of applications;

Considering, in particular, that the Protocol addresses the main problems with which the Court is confronted, on the one hand, the filtering of the very numerous individual applications and, on the other hand, the so-called repetitive cases;

Considering that a new provision has been introduced by the Protocol to ensure respect for the Court's judgments and that the Ministers' Deputies are developing their practices under Article 46, paragraph 2 of the Convention with a view to helping Member States to improve and

accelerate the execution of the judgments, notably those revealing an underlying systemic problem;

Considering that these texts, measures and provisions are interdependent and that their implementation is necessary for ensuring the effectiveness of the Convention at national and European levels;

Paying tribute to the significant contribution to this work made by the Court, the Parliamentary Assembly and the Council of Europe Commissioner for Human Rights, as well as by representatives of national courts, national institutions for the promotion and protection of human rights and non-governmental organisations;

URGES Member States to:

take all necessary steps to sign and ratify Protocol No. 14 as speedily as possible, so as to ensure its entry into force within two years of its opening for signature;

implement speedily and effectively the above-mentioned Recommendations;

II. ASKS the Ministers' Deputies to:

take specific and effective measures to improve and accelerate the execution of the Court's judgments, notably those revealing an underlying systemic problem;

undertake a review, on a regular and transparent basis, of the implementation of the above-mentioned Recommendations;

assess the resources necessary for the rapid and efficient implementation of the Protocol, in particular for the Court and its registry in the framework of the new mechanism for the filtering of applications, and to take measures accordingly;

III. INVITES the Secretary General of the Council of Europe and the States concerned to take the necessary steps to disseminate appropriately, in the national language(s), this Declaration and the various instruments mentioned in it.