

CCBE Statement on the declaration made at the 4th Council of Europe Summit on recommitting to the Convention System as the cornerstone of the Council of Europe's protection of human rights

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The Council of Bars and Law Societies of Europe (CCBE) represents the bars and law societies of 46 countries and, through them, more than 1 million European lawyers.

This statement follows-up the CCBE's prior [contribution](#) and on the [conclusions](#) of the Council of Europe 4th Summit of Heads of State and Government, held on 16- 17 May 2023 in Reykjavik, Iceland. The CCBE focuses here on the declaration made by Heads of State and Government recommitting to the Convention System as the cornerstone of the Council of Europe's protection of human rights (Appendix IV).

The CCBE warmly welcomes the commitment made by Member States to “ensure the allocation of sufficient and sustainable resources to enable the Court to exercise its judicial functions effectively and to deal with its workload expeditiously”. The Member States thereby recognise the severity of the backlog of pending cases before the Court.

While recognising that the Court needs more resources, the CCBE has already made several proposals¹ to improve the Court's allocation of its existing resources to address its backlog, including that the Court should:

1. Improve its dialogue with senior national courts by developing a practice of endorsement of ECHR – related arguments in the judgments of senior national courts, including an assessment of the national significance of the case, which would help the Court to identify cases meriting priority examination;
2. Improve transparency and effectiveness by judicialising the *triage* of newly lodged applications to the Court, incorporating immediate case management decisions where possible and informing the parties accordingly;
3. Adopt a simplified procedure for repetitive and manifestly well founded (WECL) cases, based on the immediate case management decisions at the *triage* stage, whereby WECL cases could be declared admissible, but not normally result in a judgment from the Court;
4. Enhance the use of the Committee formation (3 judges) to improve the effective use of judicial resources and reform the composition of the Grand Chamber to a fixed composition to improve consistency of interpretation of the ECHR;

¹ See CCBE [Proposals for reform of the ECHR machinery \(28/06/2019\)](#)

5. Exploit the advantages of the immediate *triage* of newly lodged applications and the associated judicial case management decisions to create a Chamber for urgent cases and strengthen the authority of - and consistency of decisions on - provisional measures; and
6. Develop additional training to prepare and enable the secondment of lawyers from private practice to support and accelerate the work of the Court's Registry.

Moreover, the CCBE welcomes the recommitment by Member States "to resolving the systemic and structural human rights problems identified by the Court and to ensure the full, effective and prompt execution of the final judgments of the Court", as well as to "continue improving the effectiveness of the supervision mechanism of the execution of judgments and ensure that the Department for the Execution of Judgments has the necessary resources to assist member States and the Committee of Ministers in this task".

To achieve this goal, the CCBE reiterates its recommendation made in its [Proposals for reform of the ECHR machinery \(28/06/2019\)](#) and its [Proposals on further reform of the ECHR machinery \(21/05/2021\)](#):

that the Committee of Ministers (CMDH) acting with the Member States of the Council of Europe should ensure that the payment of just satisfaction (compensation and fees) awarded by the Court and of friendly settlements agreed to by the parties are enforceable as a debt in national courts;

that the CMDH should increase the time available for adjudicating on the execution of judgments by extending the duration of its meetings, holding more meetings and progressively moving to 'permanent session';

that the CMDH should further improve the transparency of its handling of enhanced procedure (more serious) cases by involving applicants' representatives in the allocation of new judgments to lead cases, inviting Rule 9 submissions and giving notice of the cases proposed to be debated in advance of each CMDH meeting;

that the CMDH should study and develop a) a new distinct procedure for assessing the compensation based on just satisfaction due in WECL (manifestly well-founded) cases; and b) means for facilitating the enforcement of just satisfaction awards by national courts, including, but not limited to, those of the respondent State.

to enable the effective secondment of lawyers from private practice to support and accelerate the work of the Secretariat DG I.

In conclusion, the CCBE welcomes the commitments undertaken by Member States in relation to the Convention system and stands ready to work together with the relevant bodies of the Council of Europe to facilitate their implementation to address the Court's backlog and to achieve the more effective implementation of the Court's judgments.