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SECOND INTERNATIONAL SCIENTIFIC AND PRACTICAL CONFERENCE ON "LEGALLY ENSURING THE EFFECTIVE EXECUTION OF JUDGMENTS AND IMPLEMENTATION OF PRACTICE OF THE EUROPEAN COURT OF HUMAN RIGHTS" – 20–21.9.2013, ODESSA, UKRAINE

Bożena Gronowska*

For all those who are professionally engaged in problems concerning the most effective international and domestic protection of human rights, each possibility to exchange view-points has obvious value. The Odessa Conference of 2013 is a very good example of such an event, especially since it gathered more than a hundred participants from different countries and fields of professional activity, i.e. official representatives of the European Court of Human Rights, ministers of foreign affairs, UNCHR Regional Representatives from Belarus, Moldova and Ukraine, prominent practitioners (mainly judges) of both international and national status, academics and representatives of NGOs. The Conference was also attended by the President of the Parliamentary Assembly of the Council of Europe – Mr. Jean-Claude Mignon.

The main organizational effort of this conference was borne by the National University "Odessa Academy of Law" which strictly co-operated

* Professor, Head of the Department of Human Rights at the Faculty of Law and Administration of Nicolaus Copernicus University in Toruń

with the Committee of the Higher Council of the Ukraine on the Rule of Law and Justice and performed its functions under the auspices of the Secretary General of the Council of Europe. Officially, the Odessa Conference of 2013 was dedicated to the 60th anniversary of the entry into force of the European Convention for the protection of Human Rights and Fundamental Freedoms of 1950. This was directly referred to during the welcoming speech of Mr. Serhii Kivalov, the main Chairman of the Organizing Committee.

In his welcoming speech, the Chairman made reference to a very crucial item. In his opinion, "internal reforms are not sufficient to ensure the viability of the European Court of Human Rights as the adequate measures are important at the national level"[1]. This is a very true remark since, ultimately, the real process of achieving justice – even when provoked by the intervention of international human rights organs – lies with the competent domestic authorities. Accordingly, a great deal of concern should be paid to the stage of executing international human rights judgments at a national level. Just to illustrate the problem, the following examples were invoked: 1) the need to amend State-Parties' legislation in the light of ECtHR case-law; 2) the crucial role of parliamentary scrutiny in this regard and 3/ the improvement of the quality of legal education, training and professional development of civil servants[2].

Consequently, despite taking part on the aforementioned official anniversary, the Odessa Conference of 2013 was mainly devoted to a definitely serious problem which, in recent years, has become genuinely problematic for those responsible for ensuring the effectiveness of the ECHR's individual complaint machinery. Actually, the initiative concerning the choice of topic under discussion was provoked by the eight Reports of the Committee of Ministers of the Council of Europe, which have been presented until 2013, and were dedicated to the aforementioned problem. It simply transpired that the last stage of the

[1] See S. Kivalov, *Welcoming Speech of the President of the National University "Odessa Law Academy"* [in:] 'Legal Ensuring of the Effective Execution of Judgments and Implementation of Practice of the European Court of Human Rights. Materials of the Second International Scientific Conference dedicated to the 60th anniversary of the entry into force of the Convention for the Protection of Human Rights and Fundamental Freedoms, 20th-21st September 2013', Odessa 2013, p. 14.

[2] *Ibidem*, p. 15.

Strasbourg procedure gave rise to numerous practical problems and that this phenomenon is rather common in nature. Unfortunately, Poland encounters similar problems – according to Resolution 1914(2013) of the Parliamentary Assembly of the Council of Europe[3] Poland was highlighted as one of the nine most troublesome countries (i.e. together with Bulgaria, Greece, Italy, The Republic of Moldova, Romania, The Russian Federation, Turkey and Ukraine).

The contemporary realities surrounding the problem of ensuring the proper and timely execution of ECtHR judgments has rather different consequences than those experienced at the time when this system was just beginning to function. This is mainly due to the introduction in early 2000 of new procedural instruments (individual and general measures) which are ordered by the ECtHR in its judgments. Whereas individual redress for victims of a violation of the ECHR's standards is of a great importance, primarily to the affected individual, general measures are – by their very nature – entirely different in nature and, following their proper execution, are capable of far-reaching and broad consequences as regards their scope .

Interestingly enough, at the present time no significant problems exist in relation to the execution of judgments ordering the payment of just satisfaction (Article 41 of the ECHR; previously Article 50). According to the common opinion of the participants, this fact is directly connected to the introduction of the ECHR's "interests rate clause" (1996)[4] which visibly improved the situation[5]. Nonetheless, prior to that date examples

[3] Resolution 1914(2013) on ensuring the viability of the Strasbourg Court: structural deficiencies in State parties, adopted by the parliamentary Assembly on 22.1.2013 (4th Sitting). Exactly the same "problematic" states were exposed in the Resolution 1787(2011) on the implementation of judgments of the European Court of Human Rights, adopted by the Parliamentary Assembly on 26.1.2011 (6th Sitting).

[4] For the first time such a clause was included in the Case of Papamichalopoulos and Others v. Greece, judgment (Article 50) of 31.10.1995, appl. No.14556/98, § 34.

[5] It should be added that the individual applicants asked the ECtHR to include the interests rate clause into the judgment much earlier, however the ECtHR – giving as the explanation the subsidiarity nature of its control competence – denied such requests – B. Gronowska, "*Słuszne zadośćuczunienie" w świetle art. 50 Europejskiej Konwencji Praw człowieka ("Just Satisfaction" according to the Article 50 of the European Convention on Human Rights),* 'Toruński Rocznik Praw Człowieka i Pokoju' 1996, No. 3, p. 82.

existed of very serious inactivity on the part of State-parties, with delays in payment of up to five years[6].

Bearing this in mind, and in order to properly analyse the problem, each of the participants was asked in advance by the organizers to consider the issue of the proper execution of ECtHR judgments at their domestic levels in order to identify the main obstacles to ensuring the correct execution of such judgments without undue delay.

Following intensive discussions, all of the articles were published. This publication is certainly worth recommending as, amongst the 40 presentations, one can find lots of interesting information concerning the particulars of executing ECtHR judgments at a domestic level within various State-Parties' jurisdictions. Actually, as frequently occurs during large scientific meetings, the final content of the publication also covers additional items which were not directly connected with the main topic. Nonetheless, they create a professional background which sometimes visibly facilitates an understanding of more general reflections. Personally, upon closer reflection regarding the publication, it is relatively easy to divide its contents into the three following sections:

I. This represents the leading part of the publication, wherein country reports are presented together with different aspects of procedures for the domestic execution of ECtHR judgments in Azerbaijan, Armenia, France, Germany, Poland, Russian Federation, Turkey and Ukraine.

Nonetheless, in the same section one can find more general reflections concerning such problems as[7]: the "European Court of Human Rights as a supranational formation", "State Sovereignty and Personal Sovereignty: Problems of Correlations"; "Judicial constitutional control to ensure the limit of restriction of human rights"; "Regionalism of the international human rights law in the practice of European judicial bodies"; "The practice of the European Court of Human Rights as a factor in the emergence of modern civilized state".

[6] Case of Stran Greek Refineries and Stratis Andreadis v. Greece, judgment of 9.12.1994, appl. No. 1342/87; Case of Loizidou v. Turkey, judgment (Article 50) of the Grand Chamber of 28.7.1998, appl. No. 15318/89.

[7] The titles of the recalled article are presented in their original written version, thus some differences appear.

II. This section is devoted to more specific items which, nevertheless, remain connected with the Council of Europe's model for the protection of human rights. In order to illustrate this part of the publication, the following articles may be offered by way of example:

"Ensuring consistency and coherence of the European Court of Human Rights practice: the role of the Grand Chamber"; "Formation of the doctrine of positive obligations of the state by the European Court of Human Rights"; "Some questions about the status of the Convention for the protection of Human Rights and Fundamental Freedoms of the Council of Europe, the European Union and Ukraine"; "The Role of the lawyer in providing the effective representation of the applicant to the European Court of Human Rights"; Programming Legal Prohibition of Implementing the decisions and Application the Practice of European Court of Human Rights in Ukraine"; "Securing the European Court of Human Rights directly applicable norms of the Convention 1950"; "The role of courts of general jurisdiction in the effective application of the European Court of Human Rights"; "Ensuring consistency and coherence of the European Court of Human Rights practice: the role of the Grand Chamber"; "Formation of the doctrine of positive obligations of the state by the European Court of Human Rights"; "Some questions about the status of the Convention for the protection of Human Rights and Fundamental Freedoms of the Council of Europe, the European Union and Ukraine"; "The Role of the lawyer in providing the effective representation of the applicant to the European Court of Human Rights"; Programming Legal Prohibition of Implementing the decisions and Application the Practice of European Court of Human Rights in Ukraine"; "Application of practice of the European Court of Human Rights by the court of general jurisdiction in Ukraine"; "The application of margin of appreciation concept by the European Court of Human Rights";. "Securing the European Court of Human Rights directly applicable norms of the Convention 1950"; "The role of courts of general jurisdiction in the effective application of the European Court of Human Rights";

III. In the final part some very specific issues were considered. These included, for example: "The European Court of Human rights and secularism and freedom of conscience as the right of believers to publicly express their regulation identity"; "Islamic law in the European Court of Human Rights"; "Anti-discrimination guarantee and the development

of the concept of discrimination in the practice of the European Court of Human Rights"; "Exhaustion of domestic remedies under Article 35 of the European Convention for the protection of Human Rights and Fundamental Freedoms"; The essence of the criminal procedural function of the accusation in the context of the European Court of Human Rights"; "Analysis of the practice of the ECHR on the right to a fair trial in respect of Ukraine (on the example of the implementation of court decision"; "The Practice of the European Court of Human Rights in the sphere of protection of the right to favorable environment at the use of suboil in Ukraine"; "Specificity of right to information protection in Internet"; "The practice of the European Court of human Rights on the deprivation of freedoms to prevent the spreading of infectious diseases".

Such detailed reference to the articles published in consequence of the Odessa Conference has been quite intentional. In this author's opinion, as a participant of this scientific event, all of the presented topics taken together created a very wide field for different reflections, sometimes really controversial ones. For every lawyer, it is obvious that each case should be treated in an individual way, even at the stage of executing a judgment, which can be drastically affected by the particulars of each case.

Returning to the main topic of the Odessa Conference it should be admitted that, to those who are more than familiar with the ECHR's control procedure, the leading discussion issue of the Conference did not come as a surprise. It was a direct consequence of some serious signals having been given out by both various State-Parties and the official organs of the Council of Europe, i.e. both the Committee of Ministers[8] and the Parliamentary Assembly[9].

[8] Declaration "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 12.5.2004 (114th Session); Recommendation CMRec (2008)2 on efficient domestic capacity for rapid execution of judgments of the European Court of human Rights, adopted by the Committee of Ministers on 6.2.2008 (1017th meeting of the Ministers' Deputies).

[9] See *inter alia* Resolution (2010) on implementation of judgments of the European Court of Human Rights, adopted by the Parliamentary Assembly on 17.11.2010 (together with the accompanying report of 20.12.2010, Doc. 12455); Resolution 1787(2011) on

At the present moment, there is no doubt that the ECHR's individual complaint procedure has progressively entered into a kind of crisis which, on this particular occasion, is connected primarily with the final stage of the whole procedure. It is true that, thanks to various reforms[10] of the system, it has begun to function in a more organized fashion, especially as regards the criterion of a "reasonable time factor". Unfortunately, the same cannot be said about the stage of domestic execution of judgments. It is no exaggeration to say – especially following the Odessa debates – that the severe shortcomings in this regard are somehow universal in nature. Moreover, there are many similarities between the State Parties as regards the reasons for the existence of such problems. These are mainly connected with the problem of needing to re-open judicial proceedings of a different nature.

During the conference discussions it transpired that the least problematic procedures in this regard are criminal and administrative, whereas the civil process still awaits proper reorientation. It was commonly agreed during the Conference that the main obstacles to the proper execution of (mainly) individual measures in civil cases could act to the detriment of the stable protection of third party rights involved in the process at stake. Likewise, the basic rule of *res iudicata* in the civil law context was exposed[11].

implementation of judgments of the European Court of Human Rights, adopted by the Parliamentary Assembly on 26.1.2011 (6th Sitting).

[10] See especially the additional protocols to the ECHR: No. 11 restructuring the control machinery, 15.5.1994 (entry into force on 1.11.1998), CETS No.: 155 , and No. 14 amending the control system of the Convention, 13.5.2004 (entry into force 1.6.2010), CETS No.: 194. The continuation of modification of the Strasbourg procedure is connected with the newest additional protocols No. 15 (24.6.2013), CETS No.: 213 and No. 16 (2.10.2013), CETS No.: 214.

[11] In Polish academic literature, such problems have already been widely discussed – see M. Manowska, *Wznowienie postępowania w procesie cywilnym,* [*Re-opening of proceedings in a civil process*] Warszawa 2008, p. 134; T. Zemburzycki, *Wpływ wyroku ETPCz na dopuszczalność wznowienia postepowania cywilnego* [*Influence of the ECtHR's judgment upon the possibility of re-opening civil proceedings*], 'Europejski Przegląd Sądowy' 2009, No. 2, p. 12 *et seq*.; M. Ziółkowski, *Wyrok ETPCz jako podstawa wznowienia postepowania cywilnego* [*The ECtHR judgment as the basis for the re-opening of civil proceedings*], 'Europejski Przegląd Sądowy' 2011, No. 9, p. 6.

Undoubtedly, discussion concerning the execution of a final judgment touches the very essence of the process of doing justice. Any lawyer will confirm the truism that justice is only really served when a judgment has been properly executed. Acknowledging this fact, it seems tremendously surprising that there currently exist so many obstacles of different natures which prevent the quick and adequate (depending on the problem) execution of judgments.

Actually, against the background of the ECHR system, this dilemma may be difficult to understand. Just to remind oneself, the ECHR system was the first treaty-based model of human rights protection which established official supervision of the execution of Strasbourg judgments (see Article 46 of the ECHR). Naturally, immediately the argument can be invoked that the Committee of Ministers – despite being the main decision-making body of the Council of Europe – is still a truly political organ because of its composition (Ministers of Foreign Affairs of the Member States of the Council of Europe). This political "energy" of the above-mentioned organ appeared on many other occasions, especially under the previous model of the ECHR system, i.e. prior to 1998[12] when, according to the rules in force at that time, the Committee of Ministers had *sui generis* judicial powers.

Nonetheless, for the persons dealing with the international protection of human rights, this kind of solid normative and organizational background can still be impressive, as the whole procedure was elaborated in main details.

It is clear that the time factor strongly influences original legal solutions. This was precisely the case as regards the Committee of Ministers' supervision of the domestic execution of ECtHR judgments (to be more specific, this work is mainly carried out by the Secretariat of Ministers – Execution Department). It suddenly transpired that supervision undertaken by a single organ in the new conditions in which the ECtHR works today gave rise to difficulties of an entirely different nature. Thus, more and more commentators voiced concern about the

[12] It was that important moment when protocol No. 11 of 1994 to the ECHR entered into force which – while providing the ECtHR with compulsory supervisory jurisdiction – eliminated the possibility for the Committee of Ministers to decide about the merits of the case.

widening scope of European supervision. One proposal concerns the more active role of the Parliamentary Assembly in this field[13]. During the Odessa Conference discussions, this proposal was generally approved, albeit with one important suggestion concerning regular co-operation between the Parliamentary assembly and national parliaments.

It is natural that the procedure for the domestic execution of ECtHR judgments remains an issue to be regulated by the domestic authorities. In this regard, a similar tendency exists whereby each particular country appoints a proper organ responsible for ensuring the final execution of an ECtHR judgment. However, there is a visible tendency towards the creation of a whole executive structure (whether governmental, judicial or even parliamentary in nature)[14]. To be perfectly frank, a consensus existed amongst the participants of the Odessa Conference to create such a multiple model, which can enable the whole procedure to be more effective, depending upon the problem at issue.

Thus, following the Strasbourg supervision of the execution of ECtHR judgments, it would be beneficial for strict co-operation to exist between the organs involved both at the European and domestic levels.

The idea of constructing a new system for supervision the domestic execution of ECtHR judgments – during the discussion – went even further. Making reference to the Interlaken and Brighton Declarations of 2010 and 2012 concerning the future of European Human Rights law, the participants accepted a proposal to encourage civil society to make its own contribution to the discussed problem.

According to the hitherto experience (e.g. in the United Kingdom and Ireland) the inclusion of such an additional "partner" at the stage of

[13] See a.o. A. Drzemczewski, *The Parliamentary Assembly's involvement in the supervision of the judgments of the Strasbourg Court,* 'Netherlands Quarterly of Human Rights' 2010, Vol. 28, No. 2, pp. 164-178.

[14] Making a reference to the present Polish model it should be stressed that, despite the main activity which is connected with the Ministry for Foreign Affairs (Vice-Plenipotentiary for the co-ordination of the ECtHR and special Inter-Department Group created within this Ministry in 2007) there are other official bodies representing different fields of state activity. They are: a) the Ministry of Justice which created a special unit for this purposes, b) the Group on Cases of the European Court of Human Rights created by the Prime Minister and lastly c) the Sub-Commission for Monitoring of the Execution of the ECtHR Judgments created by the Parliamentary Commission of Justice and Human Rights.

ECtHR judgment execution has brought added value, since "civil society, whether in the guise of NGOs, NHRIs or pressure groups, are invaluable interlocutors in the execution process. They play a critical role in providing the department of execution and Committee of Ministers with important information as to what is actually happening on the ground at a national level. Civil society organisations are the eyes and ears on the ground and can provide useful "shadow reports to the department of Execution on high profile or sensitive cases"[15].

Actually, given the aforementioned perspective, the Committee of Ministers of the Council of Europe introduced a new method of work for the Department of Execution. According to this standpoint, all documents regarding the implementation of Strasbourg judgments and presented to the Committee of Ministers by particular states should be made public (with the possible exception that a justified interest of the applicant or the protection of public order require confidentiality to be maintained)[16]. Accordingly, some of the participants of the Odessa Conference agreed that the participation of civil society in the execution process can create supportive simultaneous pressure (i.e. alongside pressure exerted from Strasbourg) on respondent States, which can be helpful and valuable in a different way. Despite improvement of domestic execution procedures, the involvement of civil society can be "extremely valuable in promoting a culture of human rights dialogue in democratic societies and (...) increasing the political transparency of the implementation process"[17].

It is worth noting that during the Odessa Conference discussions, despite the existence of many consensual reflections, several points of disagreement also appeared. In this author's opinion, such disagreements were less connected with the so-called "bad will" of the proper authorities, but rather more with an absence of a proper understanding of the ECHR system as such. Here, in Poland, we should remember that some of the participants belong to a group of rather new State-Parties to the ECHR.

[15] For more information see: L. Miara, V. Prais, *The role of civil society in the execution of judgments of the European Court of Human Rights*, 'European Human Rights Law Review' 2012, No. 5, p. 534.

[16] Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements, adopted on 10.5.2006, at the 964th meeting of the Ministers' Deputies (see Rules 8 and 9).

[17] L. Miara, V. Prais, *op. cit.*, p. 533.

For such states, the huge international human rights procedure can obviously represent a complicated legal phenomenon. Surely, from a legal viewpoint, this is insufficient as a justified explanation but, nonetheless, it cannot be overlooked.

Thus, to present merely one example, in this author's opinion, the reflections of certain participants (being mainly Eastern State-Parties) concerning the "autonomous meaning" of the ECHR standards were extremely controversial. Whilst not criticizing the concept *per se*, some of the Conference participants tried to explain their domestic problems as having arisen as a result of this different "European" meaning of the standards laid down by the ECtHR.

This author considers that this viewpoint is difficult to accept. According to traditional opinions of the classical doctrine (and likewise due to the "sound mind") concerning the proper functioning of an international organization dealing with human rights protection, it would be absurd to complain that the treaty organs had created their own "autonomous" meaning of a particular treaty standard. Otherwise, we would be merely a step away from normative chaos in the sphere of individual fundamental rights and freedoms. This is unacceptable. Personally, I warmly welcome the proposition of the Strasbourg Practice Thesaurus but, even in the absence of such an instrument, there remains very convenient access to Strasbourg case-law. Accordingly, even without this kind of assistance, the State-Parties to the ECHR are under an obligation to familiarise themselves as far as possible with the general trends and tendencies in Strasbourg case law.

Of course an argument can be invoked that ECtHR judgments have an inter-parties effect. The veracity of this statement means that certain modifications in this regard should be welcomed. This represents an increasingly popular postulate concerning the third party effect which would enable the solid prevention of similar violations of ECHR standards in other countries. In this context, the attitude of the Committee of Ministers of the Council of Europe is really symptomatic. According to it "further efforts should be made by member states to give full effect to the convention, in particular through a continuous adaptation of national standards (...)". Likewise during the Conference in Interlaken the states parties to the ECHR were recalled to "take into account the Court's developing case-law, also with a view to considering the conclusions to be

drawn from judgment finding a violation of the convention by another state where the same problem of principle exists within their own legal system"[18].

Finally, one further piece of information seems to be important. During the panel discussions in Odessa, the participants enumerated some of the most crucial questions to which answers and solutions should be found as quickly as possible. The catalogue of such dilemmas is as follows:

1) precisely which rapid and effective measures should be taken by State-Parties to execute the ECtHR judgments and eliminate structural deficiencies in the national legal systems?
2) what possibilities exist for Parliaments of the State-Parties to exert an effectively influence on the effective execution of Strasbourg judgments?
3) how should the principles and methods used by the ECtHR in its decision-making process be summarized?
4) which mechanisms for the execution of the Strasbourg judgments are the most effective and
5) how may ECtHR practice be properly and effectively implemented?

Of course, some of the answers can be found in the Final Resolution adopted by the conference participants (see the Appendix to this paper). Nonetheless, to be perfectly realistic, much work remains to be done, both at European and domestic levels.

Appendix

Final resolution: *(original version)*

All the Participants came to the conclusions:

1. The doctrine of positive obligations leads to increased requirements to the State-Parties in the implementation of the Convention.

[18] 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, adopted on 12.5.2004 at the 11th Session of the Committee of Ministers.

The general basis of positive State-Parties obligations within the Convention system of human rights protection is Article 1 "Obligation to respect human rights" of the Convention. It should also be noted the current trend, which appeared in the recent practice of the Court to withdraw the positive obligations from the "combination" of specific human rights provisions of the Convention and the general principle of "rule of law", which the Court regards as one of the fundamental principles of a democratic society, naturally inherent to all articles of the Convention.

Implementation of the European Court of Human Rights practice in some cases is complicated by the use of Court's "autonomous approach" that can occur, particularly, in the evaluation approach to the interpretation of the Convention. "Autonomy" of some concepts of the Convention means that they have a different meaning and scope from the national legislation. In this regard, creation of a Thesaurus of the Strasbourg Court practice, concluded by the Court or a competent team of scholars and practitioners translated in all (at least) work language of the Council of Europe – is the case of particular importance.

2. An important indicator of the state of effective execution of judgments and implementation of practice of the European Court of Human Rights in national legal systems is the number of Pilot judgments and the number of "clone case" regarding a certain State-Parties. The first preventive measure to reduce the number of "clone cases" is more effective implementation of the Convention at the national level.
3. For those who claim that their rights guaranteed by the Convention are violated shall be available effective remedies at national level. Introducing of the effective mechanisms to preventive solution by the respondent states of the individual complaints to the Court declared admissible should be carefully considered. State-Parties should pay attention to the so-called "third party effect" in the cases considered by the Strasbourg Court. According to the Recommendation (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, adopted on 12 May 2004: "further efforts should

be made by member states to give full effect to the Convention, in particular through a continuous adaptation of national standards in accordance with those of the Convention, in the light of the case-law of the Court".

4. Any mechanism for human rights protection is ineffective without control instruments, including the national ones.

   The role of the Parliamentary control over the execution of judgments and implementation of practice of the European Court of Human Rights is important. The control may be carried out by a separate committee or subcommittee of Parliament (Poland, Romania Ukraine), or joint parliamentary-governmental entity – a joint standing committee (Italy). Concerning Ukraine, in 2009, a joint memorandum of understanding between the Committee on Justice of the High Council of Ukraine and the PACE Committee on legal Affairs and Human Rights was signed. It introduced the experimental mechanism to control the parliamentary Committee for the implementation of the Strasbourg Court (now – the Committee on the Rule of Law and Justice) with the Government Agent before the European Court of Human Rights, the Ministry of Justice representatives, approving the recommendations to government agencies; preparing corresponding draft bills based on the information and recommendations of the participants of the meetings.

   To all intent and purposes, accountability of the Government on execution of judgments and implementation of practice of the European Court of Human rights to the parliament should be ensured.

   Parliamentary control should addressed primarily, to the "leading cases", which were first considered by the Court, or raise the systemic/structural deficiencies in the State-parties to the Convention.

5. The efficiency of representative functions of Government to the European Court of Human Rights and the enforcement of judgments in the national legal system, possibly nay be in conflict of duties and requires to be studied, since the execution of judgments involves measures both individual and general.
6. The additional study requires the proposal, which discussed in doctrine as to develop standards that would be imposed personal

responsibility for illegal actions or inaction of officials, which led to the further applying to the European Court of Human Rights, and on which the Court delivered the judgment in favour of the applicant.

7. Implementation of individual measure in nature has its limits. Practical application of these measures may result in injury to others, especially in civil disputes. The cases of reopening of the criminal proceedings raise the question on the fate of sentences to persons who were brought to justice, but did not apply to the European Court. Moreover, such measures inevitable entail a change in the timing of the final hearing in the courts. Another controversy is the question of the resumption of the proceedings ex officio on the basis of the ECtHR final decisions.
8. Providing a retrial in the national court following the European Court of Human Rights judgment against Ukraine is one of the individual measures. In this direction the Supreme Court of Ukraine should be allowed to make new decisions based on such review, as well as broaden the grounds to review cases.
9. Of particular importance is awareness of the Convention and the ECtHR by enforcers, forming their respective occupational justice, which requires taking a number of measures.

   The governing bodies (high specialized courts, central authorities, etc.) should formulate the common criteria for the implementation of the Convention and the ECtHR's judgments, in particular clarified what is the legal status of such application, the limits of such application, specifying correlation of the ECtHR's judgments to the national law and circumstances of the particular case. It has to be noted that the proper implementation of the European Court of Human Rights practice in domestic law may have a significant preventive effect on inadmissible appeals to the Strasbourg Court.

   Informational support of enforcers requires the creation of information-analysis electronic resources available via the Internet. This should solve a complex issues on affordability of judgments for enforcers in official translations.

   As regards general measures – translation and publication of ECtHR judgments in legal journal or central print, distribution of judgments to the relevant authorities and institutions may sometimes be

sufficient to meet them, because usually the authorities should take note of published decision and take measures to prevent similar violations in their practice.

An important factor in reducing the number of inadmissible individual appeals to the European Court of Human Rights is conducting an appropriate legal educational work among the population and strengthening the role of the legal professionals to process such applications and further legal support before the Court. One of the methods to ensure such measures is to create expert advisory centers (non-governmental centers for applications analysis).