

Publication Date: 30.05.2025

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The Role Of The Inter-Ministerial Commission for The Execution of European Court of Human Rights Judgments (2023–2025): Coordination, Compliance, and Institutional Constraints

Abstract



The execution of judgments of the European Court of Human Rights (ECtHR) constitutes a binding legal obligation for States Parties to the European Convention on Human Rights and serves as a practical indicator of the effectiveness of the rule of law. Although the legal duty to execute judgments is clearly established under Article 46 of the Convention, implementation in practice depends heavily on domestic coordination mechanisms, administrative capacity, budgetary planning, and political prioritization (European Convention on Human Rights, 1950; Klabbers, 2015). This review article examines the role of the inter-ministerial commission model in structuring and accelerating the execution of ECtHR judgments, with particular emphasis on the 2023–2025 period, a phase characterized by renewed Council of Europe attention to effectiveness, capacity-building, and measurable implementation outcomes (Parliamentary Assembly of the Council of Europe, 2023; European Stability Initiative, 2025). Employing doctrinal legal research and qualitative document analysis, the study reviews the normative framework of Article 46 of the European Convention on Human Rights, the supervisory practice of the Committee of Ministers, and domestic institutional arrangements that assign coordination responsibilities to inter-ministerial bodies and state agents responsible for execution. The analysis demonstrates that the principal value of the inter-ministerial commission lies in its capacity to translate international legal obligations into concrete domestic workflows. These include identifying responsible authorities, defining individual and general measures, allocating financial and administrative resources, establishing implementation timelines, and ensuring coherent and timely reporting to the Committee of Ministers (Alvarez, 2005; Peters, 2016). At the same time, persistent constraints remain evident in practice, particularly fragmented institutional responsibility, delays in the adoption of general measures, and insufficient monitoring and evaluation tools. The article concludes that strengthening the commission's operational mandate, transparency, and inter-branch cooperation represents one of the most realistic and sustainable pathways toward faster and more effective execution of ECtHR judgments in Convention States.

Keywords: European Court of Human Rights; execution of judgments; inter-ministerial commission; Committee of Ministers; Article 46 ECHR; domestic coordination; rule of law; general measures; individual measures

How to cite: Rexhepi F. R. Mamuti-Fazlia D. (2025). The Role Of The Inter-Ministerial Commission for The Execution of European Court of Human Rights Judgments (2023–2025): Coordination, Compliance, and Institutional Constraints. *Ege Scholar Journal*, 2(2), 141-147

1. Introduction

The European system of human rights protection does not conclude with judicial findings alone; its credibility ultimately depends on whether judgments are executed fully and within a reasonable time. Pursuant to Article 46 of the European Convention on Human Rights, final judgments of the European Court of Human Rights are legally binding on States Parties, while their execution is subject to supervision by the Committee of Ministers of the Council of Europe (European Convention on Human Rights, 1950; Klabbers, 2015). In principle, this framework establishes a clear normative sequence comprising judgment, legal obligation, international supervision, and domestic compliance. In practice, however, execution is frequently delayed by domestic complexity, particularly where judgments require legislative amendments, systemic policy reforms, or coordinated action across multiple institutions (Parliamentary Assembly of the Council of Europe, 2023). Within this context, many States rely on inter-ministerial coordination mechanisms to translate ECtHR obligations into concrete domestic implementation. Inter-ministerial commissions typically serve as structured forums in which line ministries, justice-sector institutions, and designated state agents coordinate responsibilities, agree on timelines, and determine the evidentiary basis for reporting to the Committee of Ministers. Their role becomes especially significant where execution involves general measures, such as legislative reform, institutional restructuring, professional training, or changes in administrative practice, rather than solely individual remedies for the applicant concerned (Alvarez, 2005; Peters, 2016). The 2023–2025 period is of particular relevance because Council of Europe policy and technical cooperation initiatives have increasingly emphasized domestic capacity-building, the prevention of repetitive violations, and improved execution performance through enhanced coordination and professionalization (European Stability Initiative, 2025). Against this background, this article addresses the following research question: how does the inter-ministerial commission contribute to the execution of ECtHR judgments, and which institutional constraints most directly affect its performance during the 2023–2025 period? The central conclusion advanced is that while the commission model is a necessary institutional tool, it is not sufficient in itself. Its effectiveness depends on the clarity of its mandate, the availability of operational tools, stable leadership, and sustained cooperation between executive authorities, the judiciary, and the legislature.

2. Materials and Methods

This study applies **doctrinal legal research** and **qualitative document analysis**. The materials include:

- (a) the European Convention on Human Rights and interpretive guidance on Article 46;
- (b) official documentation on the supervision role of the Committee of Ministers;
- (c) domestic legal and policy documents that regulate the execution process and define coordination bodies, including commission-based arrangements; and
- (d) Council of Europe policy and capacity-building materials relevant to execution.

The methodological steps were:

1. **Normative mapping** of international obligations and supervision logic under Article 46 ECHR.
2. **Institutional mapping** of the domestic execution architecture, focusing on commission functions, reporting, and responsibility allocation.
3. **Practice-oriented synthesis** of typical bottlenecks and enabling factors identified in policy and good-practice documents, with emphasis on 2023–2025 priorities (capacity, coordination, and implementation outcomes).

This study is desk-based and relies exclusively on publicly available sources. No human participants were involved, and no interviews, surveys, or other forms of primary data collection were conducted. The research does not involve personal data, sensitive information, or ethical approval requirements, as it is limited to the analysis of legal texts, institutional documents, and publicly accessible policy materials related to the execution of judgments of the European Court of Human Rights (European Convention on Human Rights, 1950; Parliamentary Assembly of the Council of Europe, 2023).

3. Results

3.1. The Legal Core: Binding Force and Supervision

Execution is grounded in the binding nature of judgments of the European Court of Human Rights and in the supervisory mandate of the Committee of Ministers of the Council of Europe. While the Court establishes the existence of a violation, responsibility for designing and implementing appropriate remedies rests with the domestic legal and institutional system, and the Committee of Ministers assesses whether those remedies are adequate, timely, and sustainable (European Convention on Human Rights, 1950; Klabbers, 2015). Execution therefore operates not as a single, discrete act, but as an ongoing governance process that involves coordination, monitoring, and iterative adjustment across multiple branches of government (Parliamentary Assembly of the Council of Europe, 2023).

3.2. Why an Inter-Ministerial Commission Matters

Inter-ministerial commissions exist to solve a predictable problem: ECtHR execution rarely belongs to one institution. Payment of just satisfaction may involve finance authorities, reopening proceedings may require judicial action, while preventing repetition may require legislative change and sectoral reforms. A commission structure provides:

- a centralized forum for assigning responsibility;
- coordinated planning for individual and general measures;
- internal monitoring and deadline discipline;
- consolidated state reporting for Committee of Ministers supervision.

This role is consistent with Council of Europe guidance, which emphasizes the importance of strong domestic coordination mechanisms and sufficient institutional capacity to ensure the timely and effective execution of judgments of the European Court of Human Rights (Parliamentary Assembly of the Council of Europe, 2023; European Stability Initiative, 2025).

3.3. Domestic Institutionalization Through National Frameworks

In States that formalize the execution of judgments through domestic legislation and governmental decisions, inter-ministerial commissions are usually embedded within a broader institutional architecture that includes the state agent or representative before the European Court of Human Rights, line ministries, and implementing agencies. Where the legal framework explicitly structures the steps of execution, it enhances predictability and contributes to the standardization of implementation workflows, including legal analysis, the identification of individual and general measures, the allocation of institutional responsibility, and the coordination of reporting to the Committee of Ministers (European Convention on Human Rights, 1950; Parliamentary Assembly of the Council of Europe, 2023).

3.4. Typical Constraints Observed in Practice (2023–2025 Focus)

Across execution systems, several recurring constraints are particularly relevant to the 2023–2025 policy environment:

- **Fragmented responsibility:** institutions may accept execution “in principle” but disagree on ownership of measures.
- **Delay in general measures:** systemic reforms often require parliamentary time, budget planning, and technical drafting capacity.
- **Weak monitoring tools:** without clear indicators, internal follow-up becomes informal, and reporting becomes reactive.
- **Political sensitivity:** cases involving security, discrimination, or high-profile structural failures generate slow consensus.
- **Capacity gaps:** legal-technical knowledge about ECtHR standards may be uneven across ministries, especially outside justice-sector bodies.

Council of Europe cooperation programmes implemented in the region during 2023 explicitly emphasized capacity-building as a central lever for improving execution performance, reinforcing the understanding that technical and administrative competence constitutes an integral component of effective implementation of judgments of the European Court of Human Rights (Parliamentary Assembly of the Council of Europe, 2023; European Stability Initiative, 2025).

3.5. Summary Table

Table 1. Inter-ministerial commission functions in the execution cycle (synthesized from legal and good-practice guidance).

Execution phase	Core task	Commission contribution	Main risk if weak
Judgment analysis	Identify obligations and scope	Coordinates legal assessment and assigns lead institutions	Misclassification of measures and delays
Individual measures	Remedy applicant situation	Aligns justice bodies and administration on concrete actions	Partial remedies; repeated supervision
General measures	Prevent repetition	Creates multi-institutional reform plan	Structural problems remain unresolved
Budgeting	Secure resources	Supports cost estimation and budget coordination	Unfunded measures and long delays
Reporting	Provide evidence to CM	Consolidates documentation and ensures consistency	Negative CM assessment; prolonged supervision

4. Discussion

The results support a realistic interpretation of execution practice: obstacles do not arise from the absence of a legal obligation, but from the difficulty of transforming that obligation into coordinated and sustained domestic action. The inter-ministerial commission contributes to this process by functioning as an institutional “translation layer” between international supervision and domestic governance structures. Council of Europe standards consistently emphasize that States should develop efficient domestic capacity for the rapid execution of judgments, including effective coordination mechanisms, clear allocation of institutional responsibility, and routine monitoring procedures (Parliamentary Assembly of the Council of

Europe, 2023; Klabbers, 2015). Within this framework, a commission proves effective not when it operates merely as a formal discussion forum, but when it acts as an operational coordination unit with clearly defined deadlines, disciplined documentation practices, and systematic follow-up mechanisms (Alvarez, 2005; Peters, 2016). The 2023–2025 context further highlights that the execution of ECtHR judgments increasingly intersects with broader rule-of-law agendas, including judicial independence, administrative integrity, anti-discrimination policies, and detention standards. In such settings, the commission’s practical impact depends on its capacity to mobilize sectoral actors beyond the ministry of justice and to secure political commitment for general measures that may entail significant financial, institutional, or political costs. This interaction explains why capacity-building initiatives and structured cooperation with Council of Europe supervisory and assistance mechanisms remain particularly relevant during this period (European Stability Initiative, 2025; Zaum, 2007).

5. Conclusions

The inter-ministerial commission constitutes a central domestic mechanism for the execution of judgments of the European Court of Human Rights, as it structures responsibility across government, facilitates planning for individual and general measures, and stabilizes reporting under the supervision of the Committee of Ministers. Its coordinating function is particularly important in complex cases requiring cross-sectoral action and sustained institutional engagement (European Convention on Human Rights, 1950; Parliamentary Assembly of the Council of Europe, 2023). Nevertheless, the commission model produces tangible results only when it is supported by a clearly defined mandate, operational monitoring and tracking tools, and consistent cooperation with parliament, the judiciary, and implementing agencies (Alvarez, 2005; Peters, 2016). For the 2023–2025 period, the most credible pathway for improvement is practical rather than symbolic. Enhanced internal deadlines, transparent monitoring of execution measures, and sustained professional capacity to design and implement general measures aimed at preventing repetitive violations emerge as decisive factors for effective performance. In this sense, the effectiveness of the commission depends less on its formal existence and more on its ability to function as an operational governance unit embedded within broader rule-of-law reform processes (Klabbers, 2015; European Stability Initiative, 2025).

6. Patents

Not applicable.

Supplementary Materials: Not applicable.

Author Contributions: Conceptualization, F.R.R. and D.M.-F.; methodology, F.R.R. and D.M.-F.; formal analysis, F.R.R. and D.M.-F.; investigation, F.R.R. and D.M.-F.; writing, original draft preparation, F.R.R.; writing, review and editing, D.M.-F.; supervision, D.M.-F. All authors have read and agreed to the published version of the manuscript.

Funding: This research received no external funding.

Institutional Review Board Statement: Not applicable.

Informed Consent Statement: Not applicable.

Acknowledgments: The authors thank colleagues at the University of Tetovo, Faculty of Law, for academic discussions that supported the refinement of the institutional analysis.

Conflicts of Interest: The authors declare no conflicts of interest.

Appendix A

Not applicable.

Appendix B

Not applicable.

References

1. European Convention on Human Rights. (1950). *Convention for the Protection of Human Rights and Fundamental Freedoms*. Council of Europe.
2. European Court of Human Rights. (2023). *Annual report 2022*. Council of Europe.
3. Committee of Ministers of the Council of Europe. (2017). *Guidelines on the execution of judgments of the European Court of Human Rights*. Council of Europe.
4. Parliamentary Assembly of the Council of Europe. (2023). *Ensuring the effective implementation of the European Convention on Human Rights*. Council of Europe.
5. Parliamentary Assembly of the Council of Europe. (2024). *Strengthening national mechanisms for the execution of ECtHR judgments*. Council of Europe.
6. Keller, H., & Sweet, A. S. (2008). *A Europe of rights: The impact of the ECHR on national legal systems*. Oxford University Press.
7. Helfer, L. R. (2008). Redesigning the European Court of Human Rights: Embeddedness as a deep structural principle of the European human rights regime. *European Journal of International Law*, 19(1), 125–159.
8. Donald, A., Leach, P., & Mahoney, P. (2012). *The UK and the European Court of Human Rights*. Oxford University Press.
9. Madsen, M. R. (2016). The challenging authority of the European Court of Human Rights. *Law and Contemporary Problems*, 79(1), 141–178.
10. Lambert-Abdelgawad, E. (2008). *The execution of judgments of the European Court of Human Rights*. Council of Europe Publishing.
11. Leach, P. (2017). *Taking a case to the European Court of Human Rights* (4th ed.). Oxford University Press.
12. Hillebrecht, C. (2014). *Domestic politics and international human rights tribunals*. Cambridge University Press.
13. Sandholtz, W. (2012). Treaty, courts, and compliance: The European Court of Human Rights. *Journal of Conflict Resolution*, 56(1), 120–146.
14. Çalı, B. (2016). *The authority of international law: Obedience, respect, and rebuttal*. Oxford University Press.
15. Glas, L. R. (2020). *The theory, potential and practice of procedural dialogue in the European Convention on Human Rights system*. Intersentia.

16. Popelier, P., Mazmanyan, A., & Vandenbruwaene, W. (Eds.). (2016). *The role of constitutional courts in multilevel governance*. Intersentia.
17. Greer, S. (2006). *The European Convention on Human Rights: Achievements, problems and prospects*. Cambridge University Press.
18. Klabbers, J. (2015). *An introduction to international organizations law* (3rd ed.). Cambridge University Press.
19. Peters, A. (2016). *Beyond human rights: The legal status of the individual in international law*. Cambridge University Press.
20. Alvarez, J. E. (2005). *International organizations as law-makers*. Oxford University Press.
21. Zaum, D. (2007). *The sovereignty paradox: The norms and politics of international statebuilding*. Oxford University Press.
22. Saurugger, S., & Terpan, F. (2016). *The Court of Justice of the European Union and the politics of law*. Palgrave Macmillan.
23. Mowbray, A. (2012). *Cases, materials, and commentary on the European Convention on Human Rights*. Oxford University Press.
24. Council of Europe. (2023). *Supervision of the execution of judgments and decisions of the European Court of Human Rights*. Council of Europe.
25. Council of Europe. (2024). *Enhancing domestic capacity for the execution of ECtHR judgments*. Council of Europe.
26. European Stability Initiative. (2025). *Execution of ECtHR judgments: Capacity, coordination, and political ownership*. ESI Policy Analysis.
27. Voeten, E. (2010). Borrowing and non-borrowing among international courts. *Journal of Legal Studies*, 39(2), 547–576.
28. Stone Sweet, A., & Brunell, T. (2013). Trustee courts and the judicialization of international regimes. *Journal of Law and Courts*, 1(1), 61–88.
29. Keller, H., Fischer, A., & Kühne, D. (2010). Debating the future of the European Court of Human Rights after Interlaken. *European Journal of International Law*, 21(4), 1025–1048.
30. Hillebrecht, C., & Simons, B. (2015). Compliance with international human rights treaties. *Annual Review of Law and Social Science*, 11, 395–414.