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THE STRATEGIC PERSPECTIVE FOR THE EXECUTION OF JUDGMENTS OF THE EUROPEAN COURT OF HUMAN RIGHTS

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Strategic aspects of execution of the European Court of Human Rights judgments are analyzed in this article.

In the author's view, a strategic perspective matters also for the execution of judgments; State agencies should be armed with the ability to anticipate, prepare, and get positioned for further challenges. He suggests that there is an objective need to ensure the responsible involvement of relevant state bodies in the process of execution of judgments, clarifying the toolkit of interaction between them. With this view, several strategic steps are highlighted.

The author concludes that the adoption of a national strategy for interaction will increase the understanding of "shared responsibility" among state institutions within the process of the execution of judgments of the Strasbourg Court.

Key words: *European Convention on Human Rights, European Court of Human Rights, strategic perspective, execution of judgments, interaction, national strategy, shared responsibility, rule of law, human rights, human rights standards*

A "perspective" is a particular way of thinking and viewing things that depend on one's experience.[1] Perspective matters as it helps form a holistic vision of what you do. The *strategic* perspective is especially important as it "develops the competitive mindset"[2] of those responsible for a particular thing to be done. It combines the processes of observation and orientation, and it opens room to identify all the circumstances that hinder the achievement of the final result and contribute to it. Without a strategic perspective, it becomes hard to face challenges, and it becomes easy to miss the big picture ahead of you.

Such an understanding is essential today, especially when things and their processes have become rapid, and leaders face incredible pressures to deliver immediate results. The leaders and their teams must be able to look beyond short-term goals and outcomes. With this view, therefore, they must adopt a strategic perspective and act on that perspective. This is also true with regard to the process of execution of the European Court of Human Rights (ECtHR) judgments[3], where the state agencies should be armed with the ability to antici-

[1] See, e.g., *Oxford Advanced Learner's Dictionary*, 7th ed., Oxford University Press, 2006, p. 1085 and *Cambridge Dictionary* (https://dictionary.cambridge.org/dictionary/english/perspective).

[2] ***What Is Strategic Perspective?*** **By Zach Lazzari, 3 June 2019,** https://smallbusiness.chron.com/strategic-perspective-14365.html**.**

[3] For more details on the execution of judgments of the ECtHR, see "The Execution of the Court's Judgments" in *Law of the European Convention on Human Rights*, D.J. Harris, M. O'Boyle, E.P. Bates & C.M. Buckley, 3rd ed., Oxford University Press, 2014, pp. 180-199, "The Execution of Judgments" in *The European Convention on Human* Rights, Clare Ovey & Robin C.A. White, 4th ed., Oxford University Press, 2006, pp. 496-502, and "Enforcement of Judgments" in *Taking a Case to the European Court of Human Rights*, Philip Leach, 3rd ed., Oxford University Press, 2012, pp. 83-106.

pate, prepare, and get positioned for further challenges. Put differently, strategic thinking capabilities should continuously be developed within the state institutions in implementing international human rights standards, including the guarantees enshrined in the European Convention on Human Rights (ECHR).

Previously, I was personally involved in the process of execution of the ECtHR judgments, and I can testify from within that this process is a complex one; it is a multi-layered and multi-angled process in which various actors are involved. Although these actors are both national and supranational, I will focus on national actors and their interaction in this article, given the fact that, from a strategic perspective, the issues to be faced (or that have been faced) are mostly *domestic*.

Within the framework of the following questions, I will introduce my understanding of the [possible] future strategic perspective regarding the execution of judgments.[4]

A. From a strategic perspective, what is the execution of judgments, and why is it a domestic process?

Armenia is a Council of Europe member state.[5] The execution of judgments for Armenia, thereby, is essential.

From a strategic point of view, its effectiveness is important in two ways: on the one hand, it contributes to the protection and promotion of human rights in Armenia; on the other, it makes it possible to introduce international legal standards into domestic law and practice while ensuring the fulfillment of the state's international obligations.

In general, the execution of judicial acts is an integral part of justice. In this sense, it is not possible to ensure the full implementation of justice if there are no clear mechanisms for executing (implementing) the judicial acts that are adopted as a result of justice. The same logic applies to the implementation of judgments of the bodies operating under international human rights treaties (in this case, the ECtHR). The more developed the structure of the execution of judgments, the greater the possibility of ensuring human rights in a specific member state of the Council of Europe.

Alternatively, in the strategic perspective context, the execution of judgments of the ECtHR is essential as it includes the guarantees for the rule of law in Armenia. Further, under such an umbrella, domestic law and legal practice are being developed through implementation of European and international human rights standards. Several results in Armenia are obvious examples to prove this: e.g., strengthening the legal framework to combat torture or other forms of ill-treatment, or establishment of new mechanisms for alternative service and non-pecuniary-damage compensation.[6]

The authorities should manifest and promote among the state institutions that these human rights standards are not someone else's; they are our own ones as they are adopted and issued by the supranational body that operates *with our*

[4] In this article, the phrase "execution of judgments" is used to refer to the execution of both the judgments and decisions of the European Court of Human Rights.

[5] Armenia joined the Council of Europe on January 25, 2001 (the country profile is available at https://www.coe.int/en/web/portal/armenia).

[6] For brief information on the reforms undertaken within the execution of judgments of the ECtHR is presented at the website of Armenia's Government Representation before the European Court of Human Rights, https://echr.am/en/legislative/legislativeammendments.html.

participation. Moreover — and most importantly — they are consistent with our national Constitution as they are in line with the requirements of our constitutional grand norms.

So, this was my answer to the above question in terms of strategic view. But I also need to find the answer to the question in the text of the Constitution. In this regard, two groups of constitutional provisions will be considered.

(1)The correlation between Article 3 and Article 6 of Armenia's Constitution: Article 3 of the Constitution declares that "[t]he human being shall be the highest value in the Republic of Armenia." It also states that the respect for, and protection of, the basic rights and freedoms of the human being and the citizen "shall be the duty of the public power." Moreover, the public power "shall be restricted by the basic rights and freedoms of the human being and the citizen as a directly applicable law." In turn, Article 6 provides that state bodies and officials "shall be entitled to perform only such actions for which they are authorized under the Constitution or laws."

Given the mentioned provisions, some conclusions are necessary to be made: (a) In practice, state agencies often bypass Article 3, especially when dealing with the process of the execution of judgments; (b) They prefer "hiding" behind Article 6 although they should be reminded that Article 3 is a "non-amendable" provision, which means it shall never be subject to amendment.[7] And if the matter is about the execution of judgments and, hence, the implementation of human rights standards, then they should not try to avoid their *own share* of responsibility.

(2)The correlation between Article 5 and Article 81 of Armenia's Constitution: According to Article 5, the Constitution shall have "supreme legal force," and statutory laws "must comply with constitutional laws, whereas secondary regulatory legal acts must comply with constitutional laws and [statutory] laws." It also declares that in case of conflict between international legal norms and those of statutory laws, "the norms of international treaties shall apply." As regards Article 81 of the Constitution, it states that "[t]he practice of bodies operating on the basis of international treaties on human rights, ratified by the Republic of Armenia, shall be taken into account when interpreting the provisions concerning basic rights and freedoms enshrined in the Constitution." This means that state authorities are limited in their actions or inactions with international legal practice.

Some conclusions are necessary to be made here: (a) Public authorities have broad and enduring discretion under Article 5, as the number one law in Armenia is obviously the national Constitution that has provided for specific functions and authorities; (b) But this discretion is not unlimited, so the state bodies, when dealing with human rights, must both implement international legal standards and create and implement their own standards, as [in principle] required by the Constitution; (d) This is essential from the point of view of the execution of judgments, which many today often simply fail to follow.

B. From a strategic perspective, to what extent are domestic actors held accountable?

[7] The Constitution provides, as follows: "Articles 1, 2, 3, and 203 of the Constitution shall not be subject to amendment" (Article 203).

The open question remains: If the execution of judgments is a domestic matter, how do state bodies interact during the process of execution?

Armenia ratified the ECHR in April 2002. In December 2003, the position of Government Agent before the ECtHR was created, with its office [the Justice Ministry's Department of Relations with the EctHR] to assist the Government Agent in conducting their functions. Today, this role is run by the Representative of Armenia on international legal matters with the Office of the Representative.[8] And upon consensus, and in the conceptions of competent state bodies at the domestic level, this body, or simply the Government Agent Office (GAO), is responsible for co-ordination of the execution of judgments since 2004.

In Armenia, the GAO has a solid legal status and sufficient authority, with many years of background and intensive experience in executing judgments. However, it is not enough to clearly define the GAO's role as co-ordinator. As concluded at the Tirana Round Table in 2011, it should be ensured that "the role of the co-ordinator is clearly defined, if appropriate, in legislative or regulatory acts, or through established working methods."[9] With this message in mind and given that the current legal framework does not sufficiently address this issue, the importance of indicating the Government Agent's role as co-ordinator is deemed necessary. Such an explicit regulation may increase the "clarity", "visibility", and "legal certainty" of the law and, thus, will strengthen the co-ordinating role in practice.

At least in the last ten years, the execution of judgments in Armenia has been quite successful, sometimes even exemplary. This means that the Armenian model of the execution of judgments, with its positive track record, has been relatively effective and has somewhat evolved along with the challenges of the times.[10]

Along with the aforementioned, however, the Council of Europe system of execution is being improved. Within the development of the ECtHR jurisprudence, the same is true with international experience. Besides, new ideas are coming to life, updated tools are being used, and new opportunities are being viewed. Therefore, the national model of the execution of judgments, and the current legislation and practice need to be continuously improved in line with the modern standards and the challenges of the time. Moreover, there is an objective need to ensure the responsible involvement of other state bodies in this process, clarifying the toolkit of interaction between them.

(1) But what steps must be taken to enhance the synergies between state bodies? In order to identify the need for changes concerning the

[8] The Law on Representative on International Legal Matters, HO-141-N, adopted 10 July 2019.

[9] Guide to good practice on the implementation of Recommendation CM/Rec(2008)2 of the Committee of Ministers on efficient domestic capacity for rapid execution of judgments of the European Court of Human Rights, (CDDH(2017)R87 Addendum I, as adopted by the Steering Committee for Human Rights (CDDH) at its 87th meeting, 6-9 June 2017 in Strasbourg, para. 17).

[10] The effectiveness of the Armenian model of execution was also facilitated by the use of new working methods developed by the Committee of Ministers of the Council of Europe in 2011 (*Human Rights Files, No. 19*, p. 35, https://echr.am/resources/echr//pdf/1468c3fde0d097cf21 fcbac9c153e028.pdf). Under such methods, the new opportunities created favorable conditions for developing domestic practice in Armenia. This was also supported by the adoption of the 2019 Law on the Republic of Armenia Representative before the European Court of Human Rights (currently: The Law on Representative on International Legal Matters).

improvement of the very interaction, the following steps were involved in the provision of this analysis:

(a) The Armenian current legislative framework was analyzed as regards the interaction between the GAO and other state bodies[11];

(b) The relevant Council of Europe documents were studied12;

(c) The background of the GAO's positive achievements in executing judgments, as well as the assessment of needs for further improvement was analyzed. It was indicated that the Government Agent, with his team, has the necessary status and authority to establish more effective and smooth interaction with other state institutions in Armenia.

In order to enhance the effectiveness of interaction between the GAO and other bodies involved in the process of execution of judgments, there is a need to, firstly, evaluate the domestic law and practice as regards the very interaction and, secondly, to look at those dimensions that raise legal and practical difficulties. In this regard, the following issues were identified to be addressed.

First, Armenia needs to review and re-evaluate its own toolkit in this domain, taking into account, *inter alia*, the suggestions by the Steering Committee for Human Rights (CDDH), adopted in 2017.[13] It is to be concluded

[11] Including: *(a)* The Law on the Representative of Armenia before the European Court of Human Rights, currently: The Law on Representative on International Legal Matters [«Միջազգային իրավական հարցերով ներկայացուցչի մասին» ՀՀ օրենքն ընդունվել է 10.07. 2019 թ., ՀՕ-141-Ն]; *(b)* The Government Decree on the Order of Implementation of Functions of the Representative of Armenia before the European Court of Human Rights [ՀՀ կառավարության «Մարդու իրավունքների եվրոպական դատարանում Հայաստանի Հանրապետության ներկայացուցչի լիազորությունների իրականացման կարգը հաստատել մասին» 04.08.2020 թ. թիվ 1289-Լ որոշում]; *(c)* The Statute of the Office of the Representative of Armenia before the European Court of Human Rights [ՀՀ վարչապետի «Մարդու իրավունքների եվրոպական դատարանում Հայաստանի Հանրապետության ներկայացուցչի գրասենյակի կանոնադրությունը հաստատելու մասին» 23.08.2019 թ. թիվ 1181-Լ, որոշում]; *(d)* Decree on Interagency Commission [ՀՀ վարչապետի «Միջգերատեսչական հանձնաժողով ստեղծելու, դրա կազմը և աշխատակարգը հաստատելու մասին» 17.12.2021 թ. թիվ 1443-Ա որոշում]; *(e)* and other legal acts, applicable for the process of interaction and those agencies involved in the process.

[12] In particular: *(a)* Interlaken (2010), Izmir (2011), Brighton (2012), Brussels (2015), and Copenhagen (2018) Declarations [political declarations, available at https://www.coe.int/en/web/execution/political-declarations]; *(b)* Recommendation CM/Rec(2002)13 of the Committee of Ministers to member states 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 (adopted by the Committee of Ministers on 18 December 2002 at its 822nd Session), Recommendation CM/Rec(2008)2 of the Committee of Ministers to member states on efficient domestic capacity for rapid execution of judgments of the European Court of Human Rights (adopted by the Committee of Ministers on 6 February 2008 at the 1017th meeting of the Ministers' Deputies), Recommendation CM/Rec(2019)5 of the Committee of Ministers to member States on the system of the European Convention on Human Rights in university education and professional training (adopted by the Committee of Ministers on 16 October 2019 at the 1357th meeting of the Ministers' Deputies); *(c)* Guide to good practice on the implementation of Recommendation (2008)2 of the Committee of Ministers on efficient domestic capacity for rapid execution of judgments of the European Court of Human Rights (as adopted by the Steering Committee for Human Rights (CDDH) at its 87th meeting, 6–9 June 2017); *(d)* Report on measures taken by the member States to implement relevant parts of the Brussels Declaration (as adopted by the CDDH at its 91st meeting, 18–21 June 2019); *(e)* Implementation of judgments of the European Court of Human Rights, PACE (adopted by the Assembly on 29 June 2017, 26th Sitting).

[13] Guide to good practice on the implementation of Recommendation (2008)2 of the Committee of Ministers on efficient domestic capacity for rapid execution of judgments of the Euro-

from the current regulations that, even if there is assistance from various domestic actors when requested, the GAO is practically alone in the functions related to the execution of judgments. In such a situation, in fact, discussing "shared responsibility," which are very important for the rapid and effective execution of judgments, becomes challenging. With regard to this need, the setting up of an effective inter-institutional body devoted to the execution of judgments can be a solution to this issue. Such a platform for interaction between the GAO and other state agencies may, in principle, have a significant potential to achieve their effective involvement and coordination.

Secondly, establishing a contact-persons mechanism will be another step to enhance the synergies between the GAO and other state bodies involved. As noted in its report on the implementation of some provisions of the Interlaken and Izmir Declarations, the CDDH stressed that "the formal appointment of contact persons in other ministries and public authorities with whom the co-ordinator will liaise may also facilitate the process [of execution of the ECtHR judgments]." Furthermore, the Brussels Declaration has explicitly called for the establishment of "contact persons" for human rights matters within not only the Executive but also the Legislative and the Judiciary. This mechanism may serve as an alternative to the platform for interaction or may complement it. The latter seems *a better* solution.

Thirdly, the Brussels Declaration has also emphasized the importance of the role of national parliaments in the process of execution. Given the parliamentary system of governance in Armenia, an active role of the Parliament and pro-active involvement of the national parliamentarians must necessarily be ensured within the execution process. This, too, will have a positive impact on legislative development as the general measures reflected in the ECtHR judgments usually imply amendments to the statutory laws.

And last, but not least, a national strategy for interaction is needed to enhance the necessary synergies. In general, the role of concept papers or strategic documents is important for the coordination and monitoring of any process more effectively. In this sense, significant progress can be made to increase the efficiency of the execution process by developing a strategy (roadmap) for interaction between the competent authorities, as well as an action plan, if necessary, for its implementation. These matters will be further detailed below.

(2)What factors should be considered when developing an effective platform for interaction? In order to properly and strategically view the interaction between the GAO and other state bodies in the process of execution, it is necessary to see what are (or what can be) the circumstances that contribute to the primary objectives. It is worth noting that the problem of increasing the effectiveness of the execution of judgments has been regularly discussed in many relevant documents of the Council of Europe. The political declarations adopted in Interlaken (2010), Izmir (2011), Brighton (2012), Brussels (2015), Copenhagen (2018), and Reykjavík (2023) are some examples among others.

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pean Court of Human Rights (as adopted by the CDDH at its 87th meeting, 6–9 June 2017). *See also:* Report on measures taken by the member States to implement relevant parts of the Brussels Declaration (as adopted by the CDDH at its 91st meeting, 18–21 June 2019).

For example, in *Interlaken*, the urgent need was stressed for the Committee of Ministers to develop the means which will render its supervision of the execution of judgments "more effective and transparent", and *Izmir* reiterated the call for such a necessity and invited the Committee of Ministers to apply fully the principle of subsidiarity, "by which the States Parties have in particular the choice of means to deploy in order to conform to their obligations under the Convention." These two political documents paved the way for the further development of interaction mechanisms. *Brighton* took an additional step forward. It encouraged the state parties "to develop domestic capacities and mechanisms to ensure the rapid execution of judgments." In *Brussels*, it was called "to develop and deploy sufficient resources at national level with a view to the full and effective execution of all judgments, and afford appropriate means and authority to the Government Agents or other officials responsible for coordinating the execution of judgments." The *Copenhagen* called on the states parties to take "further measures" in order to strengthen the "capacity for effective and rapid execution" at the national level, including through the use of inter-State co-operation. As to *Reykjavík*, it was pledged to "redouble our efforts for the full, effective and rapid execution of judgments, including through developing a more co-operative, inclusive and political approach based on dialogue."[14]

All this indicates the need to improve the mechanisms of the execution of judgments, including the need for a new quality of interaction. In this regard, several factors need to be taken into account when developing an effective platform for interaction:

(a) To reinforce the support and authority of the GAO, as co-ordinator, and of their actions;

(b) To overcome the challenges and possible practical obstacles in interpreting certain judgments (with the aim of identifying the measures required);

(c) To develop a strategy (roadmap) and, when appropriate, an action plan concerning interaction, to enhance the synergies between the GAO and other state bodies;

(d) To further increase the involvement of parliament, as well as the interest of parliamentarians, the courts, and civil society representatives;

(e) To increase the visibility of the work of the Committee of Ministers.[15]

The bottom line is that the GAO is not the only player to be responsible for the process of the execution. The execution of judgments (and, hence, the implementation of international legal standards) is a part of domestic and foreign policy. And given that the Executive [the Cabinet] is responsible for both policies[16], the competent members of the Cabinet must "share" this

[14] These political declarations are available at https://www.coe.int/en/web/execution/political-declarations.

[15] It is noteworthy that the Committee of Ministers is the key actor to supervise the execution of judgments of the European Court of Human Rights [Article 46(2) of the ECHR: "The final judgment of the Court shall be transmitted to the Committee of Ministers, which shall supervise its execution"].

[16] Article 146 of the Constitution provides that the "government shall, based on its programme, develop and implement the domestic and foreign policies of the State."

responsibility. Besides, law enforcement agencies, and the Office of the Prosecutor General, in particular, play a key role in ensuring the rule of law and accountability of public authorities in the country. And the work of the courts of law is important; the role of judges is hardly to be overestimated. Parliament should play a principal role here, too.[17]

C. If something should be done, how should it be done from a strategic perspective?

As highlighted above, a *strategic* perspective combines the processes of observation and orientation. In order to have a systemic approach and to form a holistic vision as regards the process of execution, as well as with the aim to establish a more effective interaction between the GAO and other state bodies, some main steps[18] might be considered:

(1)Inter-institutional platform: Developing an efficient inter-institutional expert body will contribute to the effectiveness of the domestic execution process. This can work in full, extended, or narrowed composition for a smooth interaction between the GAO and other state institutions. Such a platform will involve all the bodies concerned, with significant potential to achieve their fuller participation, as well as with a view to the swift execution of judgments and implementation of the Convention law, in general.

For many years, Armenia lacked an institutional platform for interaction. Interaction, thereby, was largely developed within existing practice. In December 2021, an interagency commission was formally established to coordinate the implementation of international obligations, including the execution of judgments. Such a first step is important. However, it should be considered only a formal step to increase the effectiveness in practice. Big results are yet to be visible.

(2)Contact-persons mechanism: For an effective interaction, strong support can, alternatively, be establishing a mechanism of contact persons appointed by relevant state bodies. They will interact with the GAO on a daily basis and help identify targeted measures to implement a particular judgment or decision.

This mechanism can also be considered with the view to increasing the Parliament's involvement. In the process of execution of judgments, the parliament and parliamentarians should have a pro-active (but not re-active) role. The maximum involvement of the national Parliament and parliamentarians may have a strong and positive impact on the execution process, especially in terms of the implementation of general measures.[19]

(3)Developing a national interaction strategy: The strategy should have the purpose of enhancing the synergies between the GAO and other state bodies.[20]

[17] The parliamentarians are not proactive in practice; they are hardly even active. No statutory law has been initiated by the parliament within the framework of the execution of judgments of the European Court of Human Rights. This in itself speaks volumes.

[18] Several steps mentioned here were discussed within the Council of Europe project on the execution of judgments in Armenia.

[19] The Parliament might be another tool for increasing the visibility of the execution process (via organising thematic debates or annual execution readings, involving possible educational and/or training components, among the others).

[20] Within a Council of Europe project, a draft model strategy has been developed by national and international consultants for the implementation of the judgments of the ECtHR. As earlier as possible the national strategic documents should be adopted, the implementation of which will further contribute to the improvement of the necessary process of execution of the ECtHR judgments.

It should focus on the process and practice rather than on the theory and formal messages. It should identify the practical obstacles and the required measures.

Such a strategic document should also highlight the role of the GAO as a co-ordinating unit, the practical essence of the inter-institutional body, the key actors to be involved, contact persons, and their activities to enhance the effectiveness of interaction.

Besides, the strategy could be used to function the co-ordination mechanism because the domestic authorities rarely observe human rights issues from the same perspectives as the GAO or the Committee of Ministers. The view of the authorities is narrow and limited to their own role and the competencies they have in the system of government.[21]

Along with this, the adoption of a comprehensive strategy will assist in shaping the strategic vision and will positively affect the process of execution in three ways. *First*, special importance will be given to the procedures and working methods of the Council of Europe Committee of Ministers. *Secondly*, the national authorities' views will become visible: i.e., how the government views the case or the priority and logic of execution of that strategic action in a specific situation. *Thirdly*, this will increase the understanding of "shared responsibility" among relevant state institutions within the process of the execution of judgments of the Strasbourg Court.

ԱՐՏՅՈՒՄ ՍԵԴՐԱԿՅԱՆ – *Մարդու իրավունքների եվրոպական դատարանի վճիռների կատարման ռազմավարական հեռանկարը* – Հեղինակը վճիռների կատարման համար կարևորում է ռազմավարական հեռանկարը. պետական մարմինները պետք է զինված լինեն հետագա մարտահրավերները կանխատեսելու, դրանց պատրաստվելու և համապատասխանաբար դիրքավորվելու կարողությամբ: Ընդգծվում է, որ գոյություն ունի վճիռների կատարման գործընթացում պետական իրավասու մարմինների պատասխանատու ներգրավվածությունն ապահովելու օբյեկտիվ անհրաժեշտություն, և պետք է հստակեցվի նրանց միջև փոխգործակցության գործիքակազմը: Այս տեսանկյունից առաջարկվում են մի քանի ռազմավարական քայլեր:

Հեղինակը եզրահանգում է, որ փոխգործակցության ազգային ռազմավարության ընդունումը կբարձրացնի պետական հաստատությունների «բաշխված պատասխանատվություն» գաղափարի ըմբռնումը Ստրասբուրգի դատարանի վճիռների կատարման համատեքստում:

Բանալի բառեր – *Մարդու իրավունքների եվրոպական կոնվենցիա, Մարդու իրավունքների եվրոպական դատարան, ռազմավարական հեռանկար, վճիռների կատարում, փոխգործակցություն, ազգային ռազմավարություն, բաշխված պատասխանատվություն, իրավունքի գերակայություն, մարդու իրավունքներ, մարդու իրավունքների չափանիշներ*

[21] For example, the Judiciary normally would be concerned with the issues on fair trial and remedies; the prosecution services would be normally interested in the questions of investigations and criminal matters, etc. Yet both might not see the connection and the common root causes of the violations, such as for example deficient administrative practices in both institutions or lack of accountability.

АРТЁМ СЕДРАКЯН — ***Стратегическая перспектива исполнения решений Европейского суда по правам человека.*** — В статье анализируются стратегические аспекты исполнения решений Европейского суда по правам человека.

По мнению автора, стратегическая перспектива актуальна и для исполнения судебных решений. Государственные органы должны быть вооружены способностью предвидеть, готовиться и позиционироваться к дальнейшим вызовам. Он подчеркивает, что существует объективная необходимость обеспечить ответственное участие соответствующих государственных институтов в процессе исполнения судебных решений, уточнив инструментарий взаимодействия между ними. С этой точки зрения выделяется несколько стратегических шагов.

Автор приходит к выводу, что принятие национальной стратегии взаимодействия повысит понимание «общей ответственности» среди государственных институтов в процессе исполнения решений Страсбургского суда.

Ключевые слова: *Европейская конвенция по правам человека, Европейский суд по правам человека, стратегическая перспектива, исполнение судебных решений, взаимодействие, национальная стратегия, общая ответственность, верховенство права, права человека, стандарты прав человека*