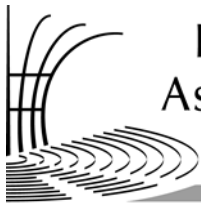


PROJECTS IN CO-OPERATION WITH THE COMMITTEE ON LEGAL AFFAIRS AND HUMAN RIGHTS (AS/JUR)

Theme of the project	<p>Theme 1 : Parliamentary mechanisms and structures for the supervision of the execution of the judgments of the European Court of Human Rights</p> <p>Theme 2 : Capacity building on the European Convention on Human Rights</p>
Public	Parliamentarians and staff from the legal and human rights departments of national parliaments working towards the promotion of Human Rights and the supervision of the execution of judgments of the European Court of Human Rights. Seminars for restricted groups.
Objectives	<ul style="list-style-type: none">- to better inform Parliamentarians of the structure and functioning of the European Court of the Human Rights and its case-law;- to increase their awareness of the role of National Parliaments as controllers of the government's initiatives in the supervision of the execution of the judgments of the European Court of Human Rights;- to support their efforts in the creation and/or reinforcement of specific bodies (commissions, sub-committees, legal affairs divisions, etc.) in national parliaments.- to enlarge the knowledge of the staff of National Parliaments of the provisions of the European Convention on Human Rights and the relevant case law related to their country;- to increase their capability to assist National Parliamentarians in their work to ensure the compatibility of draft and existing legislation with the ECHR and the Strasbourg Court's case law;- to improve their capacity to assist their Parliaments in the control of the Government's activity related to the execution of judgments.
Reference texts	<p>Recommendation 2079 (2015) <i>Implementation of judgments of the European Court of Human Rights</i></p> <p>Resolution 2075 (2015) <i>Implementation of judgments of the European Court of Human Rights</i></p> <p>Recommendation 2007 (2013) <i>Ensuring the viability of the Strasbourg Court: structural deficiencies in States Parties</i></p> <p>Resolution 1856 (2012) <i>Guaranteeing the authority and effectiveness of the European Convention on Human Rights</i></p> <p>Resolution 1823 (2011) <i>National parliaments: guarantors of human rights in Europe</i></p> <p>Resolution 1787 (2011) <i>Implementation of judgments of the European Court of Human Rights</i></p>
Activities, Follow-up and results	See below document PPSD (2017) 16 rev Summary of activities in 2013-2017 with the PACE Committee on Legal Affairs and Human Rights



The role of Parliaments in implementing the European Convention on Human Rights standards

Interparliamentary co-operation activities¹ 2013-2017 on:

- a) **The role of national parliaments in the implementation of judgments of the European Court of Human Rights (ECtHR);**
- b) **Capacity building on the European Convention on Human Rights (ECHR)**

SUMMARY

Parliamentary Assembly Resolution 1823 (2011) calls for adequate parliamentary procedures to verify the compatibility of national draft legislation with ECHR standards, the supervision of Strasbourg Court judgments and the provision of relevant human rights awareness-raising activities for parliamentarians and training for the staff of national parliaments.

Follow-up to these proposals is now being undertaken. The Assembly has held three seminars on this subject for parliamentarians of all member States: in October 2013 in London, in co-operation with the Parliament of the United Kingdom, in February 2014 in Warsaw, in co-operation with the Sejm and the Senate of the Republic of Poland, and in October 2014 in Madrid, at the invitation of the Spanish Parliament.

In 2015-2017, five countries (Armenia, Azerbaijan, Georgia, Republic of Moldova and Ukraine), partners of the Partnership for Good Governance (PGG), former Eastern Partnership, held a certain number of parliamentary seminars: in September 2015, a 1st Regional Seminar was held in Tbilisi at the invitation of the Georgian Parliament and in April 2016 a Workshop on the European Convention on Human Rights was held in Strasbourg for the members of the Georgian Parliament. In 2017 two other events were held: in March a Round table on the role of the Georgian Parliament in implementing standards of the European Convention on Human Rights was held in Borjomi (Georgia) and in June, a 2nd Regional Seminar for the parliamentarians from the five partners' countries was held in Budapest.

In parallel, capacity building seminars have been organised in Strasbourg for staff of parliaments, one in September 2013, two in 2014 (January and September) and one in September 2016 creating a parliamentary network of about 50 lawyers from 26 member states of the Council of Europe (*see the table on page 5 for more details*). A further regional seminar for the five Eastern Partnership countries was held in March 2015.

As from January 2017, in the framework of the Action Plan for Ukraine, the PACE also organised specific seminars on the subject for the MPs and staff of the Verkhovna Rada.

The main objective of these seminars is to support members of national parliaments, and their staff, to improve their knowledge of the ECHR as well as to consider the effectiveness of existing parliamentary oversight structures and mechanisms.

¹ Activities implemented by the Parliamentary Project Support Division (PPSD) in co-operation with the Committee on Legal Affairs and Human Rights (AS/JUR)

Rationale for the project undertaken with the Committee on Legal Affairs and Human Rights

Over a number of years, PACE and in particular its Committee on Legal Affairs and Human Rights (AS/JUR), has been working on the need to ensure a more active involvement of parliaments in issues relating to the European Convention on Human Rights (ECHR), and the need for regular and rigorous parliamentary oversight of the judgments of the European Court of Human Rights (the Strasbourg's Court). In this regard, the Assembly has adopted a number of texts, in particular:

Resolution 1823 (2011) *National parliaments: guarantors of human rights in Europe*

Resolution 1787 (2011) *Implementation of judgments of the European Court of Human Rights*

Resolution 1856 (2012) *Guaranteeing the authority and effectiveness of the European Convention on Human Rights*

Recommendation 2007 (2013) *Ensuring the viability of the Strasbourg Court: structural deficiencies in States Parties*

Resolution 2075 (2015) *Implementation of judgments of the European Court of Human Rights*

Recommendation 2079 (2015) *Implementation of judgments of the European Court of Human Rights*

In its Resolution 1823 (2011) PACE recalls that national parliaments are “a key to the effective implementation of international human rights norms at national level and fulfil their duty to protect human rights through legislating (including the vetting of draft legislation), ratification of international human rights treaties, holding the executive to account, liaising with national human rights institutions”.

National parliaments should establish, where possible, appropriate parliamentary structures to ensure rigorous and regular monitoring of compliance with and supervision of international human rights obligations, such as dedicated human rights committees or appropriate analogous structures. Those parliamentary structures should have access to independent expertise in human rights law. Adequate resources should also be made available to provide specialised secretariat support.

To respond to those needs, the Secretariat of the Assembly has organised a series of seminars on the European Convention on Human Rights, for parliamentarians and for the staff of national parliaments. This initiative was implemented thanks to a financial contribution from the Human Rights Trust Fund. The European Court of Human Rights and its registry, as well as the Department of the Execution of judgments (Directorate General of Human Rights and the Rule of Law) have contributed to these meetings.

Activities organised by the Parliamentary Project Support Division of the PACE

A number of seminars have been organised on the basis of two thematic priorities:

I. Parliamentary mechanisms and structures for the supervision of the execution of the judgments of the European Court of Human Rights for parliamentarians

Objectives:

1. to better inform Parliamentarians on the structure and functioning of the European Court of Human Rights and its case-law;
2. to increase their awareness of the role of National Parliaments as controllers of the government's initiatives in the supervision of the execution of the judgments of the European Court of Human Rights;
3. to support their efforts in the creation and/or reinforcement of specific bodies (commissions, sub-committees, legal affairs divisions, etc.) in national parliaments.

Expected results:

- ✓ increased action and a stronger involvement of national parliamentarians in Human Rights issues and a better implementation of European Human Rights' standards in the national legislative process
- ✓ a stronger involvement of parliamentarians of national parliaments in the supervision of the execution of the ECtHR judgments

II. Capacity building on the European Convention on Human Rights - training seminars for parliamentary staff from the legal and human rights departments

Objectives:

1. to enlarge the knowledge of the staff of National Parliaments of the provisions of the European Convention on Human Rights and the relevant case law related to their country;
2. to increase their capability to assist National Parliamentarians in their work to ensure the compatibility of draft and existing legislation with the ECHR and the Strasbourg Court's case law;
3. to improve their capacity to assist their Parliaments in the control of the Government's activity related to the execution of judgments.

Expected results:

- ✓ better understanding by parliamentary staff of the European Convention on Human Rights and of the case-law of the European Court of Human Rights
- ✓ creation and/or reinforcement of specific bodies (commissions, sub-committees, legal affairs divisions, etc.) in national parliaments working towards the implementation of Human Rights standards and responsible for the supervision of the execution of the Strasbourg Court's judgements
- ✓ closer co-operation between staff of national parliaments with legal background, with Council of Europe officials

Tangible results have been registered in:

Croatia: In 2013, the Government Agent before the Strasbourg Court was called upon, by the Parliament of Croatia, to submit a report to it with respect to the execution of the Court's judgements in respect of Croatia. The Parliament of Croatia received this report, the first of this kind, on 18 October 2013. According to a new regulation, the Government Agent will transmit, at least once a year, such a report to the Croatian Government and to the Parliament.

Montenegro: The Committee on Human Rights and Freedoms of the Parliament of Montenegro has decided to draft an information report on all cases relating to proceedings against Montenegro before the European Court for Human Rights, with proposals for follow-up. The Committee will monitor the implementation of adopted proposals.

Poland: constitution, on 5 February 2014, of a permanent Sub-Committee on execution by the Republic of Poland of the ECtHR judgments by the Justice and Human Rights Committee and the Committee on Foreign Affairs of the Sejm (not yet reconstituted by new legislature).

Romania: constitution of a Sub-Committee on monitoring of the execution of the ECtHR judgments as a follow-up to PACE Rec 1823(2011).

Georgia: The Georgian Parliament has adopted in 2016 a change in its internal regulations, article 238, which foresees that the government of Georgia has to present to the Parliament, each year before the 1st of April, a report on the implemented execution of the ECtHR judgments and an Action Plan for the future execution of judgments.

Ukraine: The representatives of Ukraine informed us that on 7 June 2017, the Legal Committee of the Verkhovna Rada has created a Sub Committee on ECHR. More details will be provided when the Sub Committee will start to work. The creation of such a Sub Committee could also be considered as an indirect result of the awareness raising initiative carried out in the last years. In particular the Seminar for MPs of the Verkhovna Rada, on Human Rights issues, organised, in the framework of the Action Plan for Ukraine, in Strasbourg on 10-11 April 2017.

The representatives of the Parliaments of Armenia, Azerbaijan and the Republic of Moldova, manifested their interest in the Georgian experience, and mentioned that they will envisage the introduction of similar bodies in their Parliaments.

PARLIAMENTARY SEMINARS FOR ALL MEMBER STATES:

Date	Place	Theme and Programme Ref.	Participants
31 October 2014	MADRID	3 rd Seminar for parliamentarians on the role of national parliaments in the implementation of ECtHR judgments Programme: PPSD (2014) 10	Parliamentarians from over 15 countries in addition to members of the Assembly's Committee on Legal Affairs & Human Rights
13 February 2014	WARSAW	2 nd Seminar for parliamentarians on the role of national parliaments in the implementation of ECtHR judgments Programme: PPSD (2014) 02	<i>MPs from 7 countries:</i> - Czech Republic - Germany - Greece - Latvia - Lithuania - Montenegro - Poland
14 October 2013	LONDON	1 st Seminar for parliamentarians on the role of national parliaments in the implementation of ECtHR judgments Programme: PPSD (2013) 14	<i>MPs from 5 countries:</i> - Croatia - The Netherlands - Poland - Romania - United Kingdom

SPECIFIC SEMINARS FOR THE PARTNERS FOR GOOD GOVERNANCE (2015-2017)*

Date	Place	Theme and Programme Ref.	Participants
12-13 June 2017	BUDAPEST	2 nd Regional Seminar on ECHR standards for the Partners for good governance Programme: PPSD (2017) 12	MPs of the 5 PGG Partnership countries
17-18 March 2017	BORJOMI, (Georgia)	Round table on the role of the Georgian Parliament in implementing standards of the European Convention of Human Rights Programme: PPSD (2017) 07	MPs of the Georgian Parliament
25-26 April 2016	STRASBOURG	Workshop on the European Convention on Human Rights: the Parliamentary Dimension Programme: PPSD (2016) 08	MPs and staff of the Georgian Parliament
21 September 2015	TBILISI	1 st Regional Seminar on parliamentary mechanisms and structures for the supervision of the execution of the ECtHR's judgments Programme: PPSD (2015) 11	Parliamentarians from 4 Partnership countries (Armenia, Georgia, Rep. of Moldova and Ukraine)
19-20 March 2015	STRASBOURG	Seminar on capacity-building on the European Convention on Human Rights for staff of national parliaments Programme: PPSD (2015) 03	Staff from 5 Partnership countries

* Partnership for Good Governance (PGG), former Eastern Partnership, Joint Programme financed by the European Union and implemented by the Council of Europe for 6 countries: Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova and Ukraine

CAPACITY BUILDING SEMINARS FOR THE STAFF OF NATIONAL PARLIAMENTS:

Date	Place	Theme and Programme Ref.	Participants
26-27 September 2016	STRASBOURG	4 th Seminar on Capacity building on the ECHR for the staff of national parliaments Programme: PPSD (2016) 12	<i>Staff from 12 countries:</i> <ul style="list-style-type: none"> - Belgium - Finland - Iceland - Latvia - Luxembourg - The Netherlands - Norway - Portugal - Slovenia - Spain - Sweden - Switzerland
4-5 September 2014	STRASBOURG	3 rd Seminar on Capacity building on the ECHR for the staff of national parliaments Programme: PPSD (2014) 11	<i>Staff from 13 countries:</i> <ul style="list-style-type: none"> - Albania - Armenia - Azerbaijan - Bosnia and Herzegovina - Cyprus - Czech Republic - France - Georgia - Germany - Hungary - Lithuania - "The former Yugoslav Republic of Macedonia" - Turkey
16-17 January 2014	STRASBOURG	2 nd Seminar on Capacity building on the ECHR for the staff of national parliaments Programme: PPSD (2013) 21	<i>Staff from 7 countries:</i> <ul style="list-style-type: none"> - Croatia - Estonia - Greece - Montenegro - Moldova - Romania - Ukraine
12-13 September 2013	STRASBOURG	1 st Seminar on Capacity building on the ECHR for the staff of national parliaments Programme: PPSD (2013) 11	<i>Staff from 6 countries:</i> <ul style="list-style-type: none"> - Bulgaria - Poland - Russian Federation - Serbia - Turkey - United Kingdom

SPECIFIC SEMINARS FOR THE VERKHOVNA RADA (ACTION PLAN FOR UKRAINE 2017-2018)

Date	Place	Theme and Programme Ref.	Participants
6-7 July 2017	STRASBOURG	Capacity Building Seminar on the Council of Europe Standards and Policies Programme: PPSD (2017) 13	Staff of the Verkhovna Rada
20-21 April 2017	STRASBOURG	National Seminar on the role of national parliaments in implementing the standards of the European Convention on Human Rights Programme: PPSD (2017) 10	MPs of the Verkhovna Rada