

PPSD (2020) 08
19 March 2020



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

PACE Interparliamentary co-operation activities¹ 2013-2020

EXECUTIVE SUMMARY

Parliamentary Assembly Resolution 1823 (2011) calls for adequate parliamentary measures to verify the compatibility of national draft legislation with European Convention on Human Rights (ECHR) standards and the effective execution of the European Court of Human Rights (ECtHR) judgments by national parliaments of member States, signatory of the Convention. Follow-up to these proposals is now being undertaken by a project of interparliamentary co-operation, carried out by PACE since 2013, which aims at awareness-raising activities for parliamentarians and training seminars for the staff of national parliaments.

In the framework of this project, financed by the PACE Cooperation Programmes Operational Budget, the Assembly has now held five parliamentary conferences with the participation of 118 MPs of 32 national parliaments and five training seminars with the participation of 99 staff members of national parliaments from 39 countries in six years, from October 2013 to December 2019.

In addition, in 2018, the results of the five years' field work of this project have been gathered in the PACE publication, a handbook for parliamentarians "National parliaments as guarantors of Human Rights in Europe". It is a very useful tool giving concrete examples of measures to be undertaken by national parliaments and of existing good practices in Europe. It was published by PACE in September 2018 in English and French, and then, thanks to supplementary funds by voluntary contributions by member States and recently by a joint programme with UE, it has at present been translated into 10 other European languages (see the link: <http://www.assembly.coe.int/nw/Page-EN.asp?LID=HandbookGarantors>).

The Assembly wishes to continue this series of activities in 2020 in order to involve more national parliaments of member States in this process and to promote the handbook with existing tools and good practices among as many Members of national parliaments as possible, helping them to implement this important PACE Resolution in their country.

The concept of this project has also been introduced from 2015 to PACE activities developed in the framework of other projects, financed either by the EU joint programmes or by voluntary contributions of member States:

- in 2015-2017 in the framework of the Partnership for Good Governance (PGG Joint Programme with the EU);
- in 2017- 2018 et 2018-2020, in the framework of the two phases of the Action Plan for Ukraine;
- in 2019-2020 in the framework of Action Plan for Georgia
- In 2019-2020 in the framework of the Horizontal Facility II (Joint Programme with EU).

A detailed list of above-mentioned activities with references of relevant programmes is appended below.

¹ Activities implemented by the Parliamentary Project Support Division (PPSD) in co-operation with the Committee on Legal Affairs and Human Rights (AS/JUR), financed by the PACE Cooperation Programmes Operational Budget.

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

Over several 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 judgments of the European Court of Human Rights. 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*

Resolution 2178 (2017) *The 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.

Objectives of the activities organised by the PACE Parliamentary Project Support Division

PACE activities in the framework of this project have been developed since 2013 by the PACE Parliamentary Project Support Division in co-operation with the Committee on Legal Affairs and Human Rights of the PACE, the Registry of the European Court of Human Rights and the Department of the execution of the ECtHR judgments of DG II. The activities are addressed to two targeted groups, MPs and the staff of national parliaments, with the following objectives and expected results:

I. Parliamentary conferences for Members of national parliaments of member States:

Objectives:

1. strengthen knowledge and raise awareness of Members of national parliaments of the European Convention on Human Rights system and the role of national parliaments in this system;
2. better inform parliamentarians on the structure and functioning of the European Court of Human Rights, its case-law and recurrent cases occurring owing to the lack of necessary legislation;
3. increase their awareness of the role of national parliaments in ensuring a regular oversight of the government's initiatives as regards the execution of judgments of the European Court of Human Rights;
4. support their efforts in the creation and/or reinforcement of specific parliamentary bodies and mechanisms dealing with human rights issues on regular basis (committees, sub-committees, legal affairs divisions, annual reports, etc.) in national parliaments;
5. share with Members of national parliaments good practices and existing tools to guarantee human rights in their country by promoting the handbook for parliamentarians among a large number of Members of national parliaments.

Expected results:

- ✓ increased action and a stronger involvement of Members of national parliaments in human rights issues and a better implementation of European Convention on Human Rights' standards in their country;
- ✓ a better compliance of national legislations with the Convention standards and as a result, decrease of systemic cases before the ECtHR;
- ✓ a stronger involvement of parliamentarians of national parliaments in the regular oversight of the effective execution of the ECtHR judgments by their governments resulting in a decrease of non-executed judgments;
- ✓ reinforcement of parliamentary structures and mechanisms dealing regularly with human rights issues in national parliaments and leading to the fulfilment of the obligations of parliamentarians in the Convention system;
- ✓ strengthened political dialogue and interparliamentary cooperation as well as exchange of good practices leading to improvement of the human rights situation in member States.

II. Capacity building seminars for the staff from legal and human rights departments/committees of national parliaments of member States:

Objectives:

1. to enlarge knowledge of the staff of national parliaments of the provisions of the European Convention on Human Rights (ECHR) and the functioning and the relevant case law of the European Court of Human Rights related to their country;
2. to increase their capability to assist parliamentarians in their work to ensure the compatibility of draft and existing legislation with the ECHR standards;
3. to improve their capacity to assist their parliaments in the control of the Government's activity related to the execution of judgments;
4. to develop a better synergy between the staff of national parliaments and the staff of governmental institutions responsible for the execution of judgments as well as with Council of Europe officials.

Expected results:

- ✓ better understanding of the ECHR by the parliamentary staff working for legal departments and committees of national parliaments and of the necessity of their contribution to the compliance of national legislation with the ECHR standards is ensured;
- ✓ better understanding by the staff of national parliaments of the structure and functioning of the European Court of Human Rights and of its case-law, especially as regards the case-law and recurrent cases in respect of their country, is ensured;
- ✓ closer co-operation between the staff of national parliaments with legal background with their government's institutions and with Council of Europe officials is developed and a better access to Council of Europe data and training tools on human rights is assured.

PARLIAMENTARY ACTIVITIES FOR ALL MEMBER STATES (2013-2019):

Date	Place	Theme and Programme Ref.	Participants
14 October 2013	LONDON	1 st Parliamentary Seminar on the role of national parliaments in implementing ECtHR judgments Programme: PPSD (2013) 14	<i>14 MPs from 5 countries:</i> - Croatia - The Netherlands - Poland - Romania - United Kingdom
13 February 2014	WARSAW	2 nd Parliamentary Seminar on the role of national parliaments in implementing ECtHR judgments Programme: PPSD (2014) 02	<i>12 MPs from 7 countries:</i> - Czech Republic - Germany - Greece - Latvia - Lithuania - Montenegro - Poland
31 October 2014	MADRID	3 rd Parliamentary Seminar on the role of national parliaments in implementing ECtHR judgments Programme: PPSD (2014) 10	<i>51 MPs from 25 countries</i> (see final list of participants)
26 November 2018	BUDAPEST	4 th Parliamentary Seminar on the role of national parliaments in implementing standards of the ECHR Programme: PPSD (2018) 15	<i>19 MPs from 8 countries:</i> Bulgaria Greece Hungary The Netherlands Poland Romania Serbia Turkey
9 September 2019	RIGA	5 th Parliamentary Conference on implementing standards of the ECHR: key role of national parliaments Programme: PPSD (2019) 07	<i>24 MPs from 7 countries:</i> Armenia Georgia Iceland Latvia Lithuania Republic of Moldova Sweden

CAPACITY BUILDING SEMINARS FOR THE STAFF OF NATIONAL PARLIAMENTS:

Date	Place	Theme and Programme Ref.	Participants
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>13 officials from 6 countries:</i> - Bulgaria - Poland - Russian Federation - Serbia - Turkey - United Kingdom
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>14 officials from 7 countries:</i> - Croatia - Estonia - Greece - Montenegro - Moldova - Romania - Ukraine
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>24 officials from 13 countries:</i> - Albania - Armenia - Azerbaijan - Bosnia and Herzegovina - Cyprus - Czech Republic - France - Georgia - Germany - Hungary - Lithuania - "The former Yugoslav Republic of Macedonia" - Turkey
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>20 officials from 12 countries:</i> - Belgium - Finland - Iceland - Latvia - Luxembourg - The Netherlands - Norway - Portugal - Slovenia - Spain - Sweden - Switzerland

14-15 October 2019	STRASBOURG	5 th Seminar on the role of national parliaments in implementing ECHR and the execution of ECtHR judgments Programme: PPSD (2019) 08	28 officials from 12 countries: - Albania - Azerbaijan - Bosnia and Herzegovina - Bulgaria - France - Greece - Hungary - Ireland - Italy - North Macedonia - Poland - Romania
---------------------------	-------------------	---	---

SPECIFIC ACTIVITIES FOR THE PARTNERS FOR GOOD GOVERNANCE (2015-2017)²

19-20 March 2015	STRASBOURG	Seminar on capacity-building on the Convention on Human Rights for state parliaments Programme: PPSD (2015) 03	20 officials from national parliaments of Armenia, Azerbaijan, Georgia, Republic of Moldova and Ukraine
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	21 MPs from national parliaments of 4 partner countries: Armenia, Georgia, Republic of Moldova and Ukraine
25-26 April 2016	STRASBOURG	Workshop on the European Convention on Human Rights: Parliamentary Dimension Programme: PPSD (2016) 08	18 MPs of the Parliament of Georgia
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	12 MPs of the Parliament of Georgia
12-13 June 2017	BUDAPEST	2 nd Regional Seminar on ECHR standards for the Partners for good governance Programme: PPSD (2017) 12	22 MPs from national parliaments of 5 partner countries: Armenia, Azerbaijan, Georgia, Republic of Moldova and Ukraine

² Partnership for Good Governance (PGG), former Eastern Partnership, Joint Programme financed by the European Union and the Council of Europe and implemented by the Council of Europe for Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova and Ukraine

SPECIFIC ACTIVITIES FOR THE VERKHOVNA RADA (ACTION PLAN FOR UKRAINE 2017-2020)

Date	Place	Theme and Programme Ref.	Participants
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
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
21-22 March 2019	STRASBOURG	National Seminar on the role of national parliaments in implementing standards of the ECHR Programme: PPSD (2019) 04	20 staff members of the Verkhovna Rada
7-8 November 2019	STRASBOURG	Implementation of ECHR: key role of Parliament Programme: PPSD (2019) 12	15 MPs of the Verkhovna Rada
7-8 April 2020 (postponed)	TBILISI	Regional Parliamentary Conference “National parliaments: guarantors of ECHR standards” Programme PPSD (2020) 07	MPs of the Verkhovna Rada and of the Parliaments of Armenia, Georgia and Republic of Moldova (tbc)

SPECIFIC ACTIVITIES FOR THE PARLIAMENT OF GEORGIA (ACTION PLAN FOR GEORGIA 2019-2020)

Date	Place	Theme and Programme Ref.	Participants
19-20 November 2019	STRASBOURG	Capacity Building Seminar on national parliaments as guarantors of human rights for the Parliaments of Armenia and Georgia Programme: PPSD (2019) 10	20 Staff members of the Parliaments of Georgia and Armenia
7-8 April 2020 (postponed)	TBILISI	Regional Parliamentary Conference “National parliaments: guarantors of ECHR standards” Programme: PPSD (2020) 07	MPs of the Parliament of Georgia, Armenia, Republic of Moldova and Ukraine (tbc)

SPECIFIC ACTIVITIES IN THE FRAMEWORK OF THE HORIZONTAL FACILITY II³

Date	Place	Theme and Programme Ref.	Participants
14-15 October 2019	STRASBOURG	5 th Seminar on the role of national parliaments in implementing ECHR and the execution of ECtHR judgments Programme: PPSD (2019) 08	12 Staff members of the Parliaments of Albania, Bosnia and Herzegovina and North Macedonia
24-25 March 2020 (postponed)	STRASBOURG	Information Seminar on the role of national parliaments in implementing ECHR and supervising the execution of ECtHR judgments Programme: PPSD (2020)	Staff members of the Parliament of Serbia (tbc)

³ *Horizontal Facility II (2019-2022), joint programme financed by the European Union and the Council of Europe and implemented by the Council of Europe for the Western Balkans and Turkey, PACE Cooperation with Parliaments of Albania, Bosnia and Herzegovina, North Macedonia and Serbian in view of achieving legislative improvement, 2019-2020*