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The role of Parliaments in implementing ECHR standards

Interparliamentary co-operation activities¹ 2013-2014 on:

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

EXECUTIVE 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 two seminars on this subject for parliamentarians, in co-operation with the Parliament of the United Kingdom in October 2013 and the Sejm and the Senate of the Republic of Poland in February 2014. A third seminar for parliamentarians will be held in Madrid on 31 October 2014. Training seminars have been held in Strasbourg for staff of parliaments in September 2013 and in January 2014; a third seminar is scheduled to take place in Strasbourg on 4-5 September 2014.

The main objectives 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 mechanism.

The activity is financed by:



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, and the need for regular and rigorous parliamentary oversight of the 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*

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 proceeded with the organisation of 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

Four seminars were organised over the period of September 2013 - February 2014 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 of the structure and functioning of the European Court of the 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 ECHR 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 of Human Rights and of the functioning 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 ECHR judgements
- ✓ closer co-operation between legal officers of the ECHR and of the Division of the execution of the ECHR judgments of the CoE and the staff of national parliaments with legal background

SEMINARS:

Date	Place	Theme	Participants
12-13 September 2013	STRASBOURG	Seminar on capacity building on the ECHR for the staff of national parliaments	Staff from the Parliaments of Bulgaria, Poland, Russian Federation, Serbia, Turkey and United Kingdom
14 October 2013	LONDON	Seminar for parliamentarians on the role of national parliaments in the implementation of ECHR judgments	MPs from Croatia, the Netherlands, Poland, Romania and United Kingdom
16-17 January 2014	STRASBOURG	Seminar on capacity building on the ECHR for the staff of national parliaments	Staff from the Parliaments of Croatia, Estonia, Greece, Montenegro, Moldova, Romania and Ukraine
13 February 2014	WARSAW	Seminar for parliamentarians on the role of national parliaments in the implementation of ECHR judgments	MPs from Czech Republic, Germany, Greece, Latvia, Lithuania, Montenegro and Poland
4-5 September 2014	STRASBOURG	Seminar on capacity building on the ECHR for the staff of national parliaments	TBC
31 October 2014	MADRID	Seminar for parliamentarians on the role of national parliaments in the implementation of ECHR judgments	TBC

Tangible results, after four seminars, were registered in:

Croatia: In 2013, the Government Agent was called upon by the Parliament of Croatia to submit a report concerning the issue of representing the Republic of Croatia in ECHR proceedings and on execution of ECHR judgements. The Parliament of Croatia received this report, the first of this kind, on 18 October 2013 and according to a new regulation, the Agent shall regularly report to the Croatian Government and to the Parliament, at least once a year.

Montenegro: Within the Parliament of Montenegro, the Committee on Human Rights and Freedoms deals with Human Rights issues. It has decided to draft an information report on international legal 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 ECHR judgments* by the Committee on Foreign Affairs of the Sejm.

Romania: constitution of a *Sub-Committee on monitoring of the execution of the ECHR judgments in which a violation of the European Convention on Human Rights by the State of Romania* was announced by the Committee on Legal Affairs, Discipline and Immunities of the Chamber of Deputies as follow-up to PACE Rec 1823(2011).

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A third seminar, for parliamentarians, is to be held in the Spanish Parliament, in Madrid, on 31 October 2014, in co-operation with the Assembly's Committee on Legal Affairs and Human Rights.

A third seminar, for the staff of national parliaments, is also scheduled to take place in Strasbourg on 4-5 September 2014.