

ENNHRI Oral Statement to the Debate on the 10th Annual Report (2016) on the Supervision of the Execution of Judgments and Decisions of the European Court of Human Rights (June 2017)

ENNHRI, the European Network of National Human Rights Institutions, is a membership organisation, comprised of all 41 National Human Rights Institutions (NHRIs) from the Council of Europe. ENNHRI is the only network of NHRIs in Europe.

Both the Brighton and the Brussels Declarations have underlined the importance of NHRIs for ensuring the implementation of the Convention and the execution of judgments. The Brussels Declaration called upon state parties to involve NHRIs in the execution process following a ECtHR judgment.

NHRIs are state bodies, independent of government, with a broad mandate to promote and protect human rights. Their functions include monitoring, research, advising government and parliament, reporting to international treaty bodies, complaints handling, providing legal assistance, human rights education, training, and awareness raising. One of their core functions is to ensure compliance of national laws and practices with international human rights treaties, including the European Convention on Human Rights (ECHR).

Each of these functions can be used to assist in the effective execution of judgments, – as set out in ENNHRI’s Guidance on NHRI work execution of judgments, and our collation of good practices from members. Their diverse and mutually reinforcing functions enable them to address both general and specific recommendation.

As bridges between national authorities and civil society, NHRIs have a unique overview of the needs and challenges in the implementation of human rights standards within a country, as well as the authority and mandate to engage with their state party. NHRIs are therefore ideally placed to advise states on effective compliance with judgments, and to provide independent information and views to the Committee of Ministers

ENNHRI welcomes the overall positive developments that have taken place with regard to the execution of judgements over the last decade as they are presented by the 2016 Report on the Supervision of Execution of Judgements. Statistics also are encouraging, as we have seen.

However it is important to acknowledge that despite many efforts by Council of Europe and stakeholders, there is still insufficient execution of judgments by states

We have entered an even more challenging environment for the implementation of the Convention and execution of judgments, due to:

- a. Increasingly hostile view on human rights and the convention system, where the need to execute judgments has been challenged even by states that are generally supportive of the Convention system
- b. Shrinking of democratic space and rule of law in many states, which restricts the legitimacy of actions to ensure the execution of judgments and structures to support them
- c. Repeated cases without execution, where states feel insufficient pressure to implement the general and specific recommendations

We are very open to the strong clear message delivered by this 10th Annual Report : in this challenging environment, it is time for all actors to get together and engage in a reinforced dialogue.

This dialogue would support

- addressing the questions related to the understanding of the consequences of certain developments of the Court's jurisprudence and
- accelerating the adoption and the implementation of reforms required to overcome certain major structural problems.

NHRIs can play a supportive role by instance by

- a. Empowering NHRIs and civil society organisations, through capacity building and support to ensure effective advocates for execution at the national level (is currently developing a guidance on Rule 9)
- b. Ensure human rights education and awareness raising to state authorities and the general public, by NHRIs or other actors, to support a culture of rights and an environment conducive to the effective execution of judgments
- c. Work towards a complementary and mutually reinforcing interaction with other international frameworks of human rights, from the UN treaties and special procedures, EU legislation and policy.
- d. Even political commitments such as the OSCE Human Dimensions Commitments and UN Sustainable Development Goals can be used to reinforce work towards the execution of judgments

ENNHRI stands ready to support this by

- Trainings and mutual exchange between European NHRIs on techniques for the effective execution of judgments, such as our upcoming guidance on Rule 9, for use by both NHRIs and civil society actors
- Supporting NHRIs on legal, human rights education and advocacy roles, and building links between the state and civil society to enhance a cooperative and participative approach to the execution of judgments
- Underlining the links between the Convention, Court judgments, and other human rights frameworks, to enhance implementation of standards (example in Big Brother amicus curiae)
- Encouraging NHRI reporting on non-execution of judgments to the Human Rights Council, UN treaty bodies and other fora to increase pressure on states

to execute judgments. A status NHRIs have participation rights in these fora, which – in addition to their state mandate – makes their interventions particularly powerful

We also look forward to hearing from all, here, your ideas on how we can work together to help achieve the execution of judgements

Allow me to conclude by saying that ENNHRI cherishes its close relationship with the Council of Europe, our most natural partner, and looks forward to working further with the Department for Execution of Judgments, CDDH, the Court Registry, the Commissioner and other actors for increased execution of judgments and enjoyment of human rights throughout Europe.

Strasbourg, June 2017