



European Network of  
National Human Rights Institutions

# Towards a strategic engagement of NHRIs in European rule of law mechanisms

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Outcome Report  
ENNHRI High-level Consultation

5 February 2020  
Brussels, Belgium



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# Executive Summary

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## I. ENNHRI and NHRIs

The European Network of National Human Rights Institutions (ENNHRI) is a network bringing together **45 European National Human Rights Institutions** (NHRIs) across wider Europe, providing a platform for collaboration and solidarity in addressing human rights challenges and a common voice for NHRIs at the European level.

NHRIs are national institutions with a legal mandate to promote and protect human rights domestically independent from government, accredited with an internationally accepted quality label on the basis of their compliance with the UN Paris Principles. As such, NHRIs play a **key role in the promotion, protection and strengthening of the rule of law and democracy at national as well as regional level.**

## II. Strategic Engagement of NHRIs

On 5 February 2020, Heads of 19 European NHRIs, representatives from EU institutions and bodies, as well as representatives from Council of Europe bodies and civil society stakeholders, took part in a High-Level Consultation meeting hosted by ENNHRI in Brussels to reflect on a possible **strategic engagement of NHRIs** in the EU Rule of Law Mechanism. In that context, NHRIs highlighted:

- The close **interconnection** between the rule of law and human rights and NHRIs as a **rule of law indicator**;
- Reporting to and engaging in the EU Rule of Law Mechanism is an integral part of NHRIs' mandate to promote and protect human rights, providing added value to the mechanism as **sources of reliable, objective, verifiable and contextualised information**, based on their regular monitoring and reporting of the human rights situation on the ground;
- NHRIs' key position in contributing to the identification and implementation of **follow up action to address detected issues at the national level**, including facilitating discussions with national parliaments and, when covered by their mandate, through court proceedings;
- Opportunities for development of **synergies between EU and Council of Europe**; and
- European and national action to **ensure an enabling and protecting environment for human rights defenders** – including NHRIs – as constituent element of a strong rule of law and human rights framework.

### III. Contribution of NHRIs to the EU Rule of Law Mechanism

Building on these highlights, Heads of European NHRIs at the High-Level Consultation meeting agreed on the opportunity and added value of a **united approach**, in a spirit of cooperation and solidarity. NHRIs intend to engage by developing **country-specific rule of law reports** – derived from relevant national reports – **compiled in one regional report**. These include references to the UN Paris Principles, Sub-committee on Accreditation (SCA) of the Global Alliance of NHRIs (GANHRI) recommendations and standards on NHRI enabling environment, reflecting a human rights-based approach and related to the consultation topics of the new Rule of Law Review Cycle for 2020.

### IV. Considerations for the European Institutions

Moreover, the Heads of European NHRIs signalled several considerations for EU institutions to allow meaningful contributions by NHRIs in both in the consultation phase and in the various stages of the follow-up process, anchored in existing procedures, of the Rule of Law Review Cycle for 2020. In particular following considerations were raised:

- strive to ensure that standards and benchmarks reflect the close interconnection and **mutually reinforcing relationship between the rule of law and human rights**;
- envisage NHRIs' engagement in EU Rule of Law Mechanism takes into account their role as (a) **rule of law indicators**, (b) **reliable sources of information** on respect for human rights with rule of law implications and (c) actors contributing to the **identification of appropriate remedies and responses** and their implementation monitoring;
- recognise the mandate of NHRIs as **state-mandated bodies, independent of government**, with a broad constitutional or legal mandate to protect and promote human rights at the national level;
- carefully **consider potential risks for NHRIs** when establishing the boundaries of their reporting and participation in EU Rule of Law mechanisms, and should envisage EU action to support NHRIs under threat if needed; and
- Enable **sufficient resources** for ENNHRI and NHRIs to contribute to the mechanism and help promote a rule of law culture in EU Member States.

## V. Role for ENNHRI

- Support common reporting, through developing a common and coherent reporting structure and methodology, collating and publishing an ENNHRI-wide regional rule of law report, and sharing reports with relevant regional stakeholders, in line with consultation requirements and timelines.
- Support effective participation, through identifying opportunities for participation in the different stages of the processes and representing NHRIs collectively in relevant regional fora, through either a member or the Secretariat;
- Sharing with stakeholders its expertise on NHRIs, including on the Paris Principles, SCA recommendations, and requirements for an enabling environment for NHRIs, and develop coherent NHRIs' related indicators (see Annex I);
- Support NHRIs that come under threat, in line with ENNHRI's [Guidelines](#) on support to NHRIs under threat.
- Facilitate the convening of European NHRIs to exchange and agree joint action on rule of law, through knowledge exchange and peer learning, and debate to identify opportunities for common action in support of rule of law in Europe.
- Maintaining regular contacts with regional stakeholders to inform and consult NHRIs on relevant developments and in fostering synergies between divergent regional processes.

## VI. Agreements

ENNHRI members, who took part in a High-level Consultation Meeting on 5 February 2020, came to the following agreements, subject to consultation among all ENNHRI members. For more information about EU Rule of Law Mechanisms, especially the relevant policy domains for the entire geographic scope of the network, please consult the [background paper](#).

1. NHRIs should engage in EU Rule of Law Mechanisms, taking into consideration the policy processes and timelines relevant for EU Member States, Enlargement, Eastern Partnership and other Countries.
2. ENNHRI Secretariat should maintain regular contacts with relevant stakeholders (European Union Institutions, Council of Europe, regional civil society partners, etc.) and inform/consult members on relevant developments.
3. Although process and modalities are still under development, ENNHRI should engage with EU Rule of Law Mechanisms by developing country-specific Rule of Law reports – derived from

relevant national reports – considering NHRIs as a relevant indicator for Rule of Law including UN Paris Principles, SCA recommendations and Enabling Environment, following Annex II of the [background paper](#).

This consultation framework should consider:

- Four consultation topics specified by the European Commission DG JUST (functioning justice systems; anti-corruption; constitutional aspects and shrinking democratic space; media pluralism and rule of law)
- Rule of Law fundamentals as specified by the new European Commission Communication on Enlargement Methodology (Judiciary and fundamental rights; Justice, Freedom and Security; and Functioning of democratic institutions)
- Benchmarks in the forthcoming European Commission Communication on Eastern partnership; and
- Relevant aspects stemming from Council of Europe Recommendation on Civil Society Space, among other standards.

4. Despite the various EU Policy domains (EU domestic Rule of law cycle, EU enlargement negotiations, Eastern Partnership Association Councils, and Human Rights Dialogues), Council of Europe processes, and each of their respective timelines, one reporting structure will be developed leaving enough space for NHRIs to include national specificities. ENNHRI Secretariat, in consultation with the Board, will provide this structure and will facilitate the process.
5. ENNHRI Secretariat will collate national reports, including a chapter on methodology of reporting referencing Annex II of the background paper and specifying the contributions as per NHRI and not a statement of ENNHRI as such, into one regional report.
6. In order to ensure the use of the information by relevant stakeholders (European Institutions, Council of Europe, Council of Europe), the regional report should be published by ENNHRI.
7. In coordination with NHRIs, depending on the timelines of relevant policy processes, ENNHRI Secretariat should share the contributions of the NHRIs with relevant stakeholders, matching potential consultation requirements.<sup>1</sup>

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<sup>1</sup> Depending on the relevant policy process, ENNHRI will share the entire collated report, or compilations of parts of the report respecting the various geographic clustering of the policy arena (EU Member States, South East and Eastern Europe) to Brussels

8. Information provided by NHRIs to the ENNHRI Secretariat for the purpose of rule of law reporting should be collated according to the relevant geographic area of interest, and provided directly to relevant European Institutions.
9. Depending on the national context, each NHRI should take into account any potential risks and safeguards required as a result of providing the country-specific report. In addition, ENNHRI will provide support as and when required, in coordination with relevant partners, following ENNHRI's guidelines for NHRIs under threat.
10. Review the process in 2020, with a view to informing ENNHRI's engagement in other relevant rule of law mechanisms (European Parliament, European Council, Council of Europe, UN or other), and proposed actions in 2021 for each mechanism.

For more information about EU Rule of Law Mechanisms, especially the relevant policy domains for the entire geographic scope of the network, please consult the [background paper](#) prepared for the consultation meeting.

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or Strasbourg-based “stakeholders” working on the EU Rule of Law Cycle 2020, EU Enlargement Package 2021 and in the context of the new Eastern Partnership EC Communication with representatives of the European Institutions (i.e. European Commission, European Parliament, European External Action Service and European Economic and Social Committee) and the Council of Europe. Only with explicit consent of the members, information will be provided to other stakeholders. NHRIs are invited to share the collated report or their own chapter to EU and CoE representatives on the national level.

## Key findings

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### 1. The role and characteristics of NHRIs and their contribution to the promotion, protection and strengthening of human rights, rule of law and democracy



As permanent and independent state-mandated bodies with a broad human rights remit, NHRIs are in a key position to promote, protect and strengthen the rule of law and democracy at national level

NHRIs are state-mandated bodies, independent of government, with a broad constitutional or legal mandate to protect and promote human rights. They engage with government, parliament and the judiciary as well as with civil society organisations and Human Rights Defenders (HRDs). They are established and function with reference to the [UN Paris Principles](#) which require that NHRIs must carry out their work independently of political considerations and promote respect for fundamental rights, democratic principles and rule of law, including in situations of state of emergency (General Observation 2.5 of the Sub-Committee on Accreditation (SCA)). It is unique to NHRIs, contrary to other national institutions, that their independence, pluralism and effectiveness is periodically assessed and subject to international accreditation: this ensures their accountability and positions them as key interlocutors on the ground.

Participants at the meeting agreed that, based on their mandate and unique features, NHRIs are in a key position to contribute to the promotion and the safeguarding of the rule of law and democratic space at national level, including by preventing and reacting to threats. This is reflected, among others, in ENNHRI's [Regional Action Plan on Promoting and Protecting Human Rights Defenders and Democratic Space](#), which contains key actions NHRIs and ENNHRI aim to implement with a view to prevent the undermining of democratic space, as well as to react effectively when democracy and HRDs are under threat.





The contribution of NHRIs to international and regional rule of law mechanisms is an integral part of NHRIs' mandate

Heads of European NHRIs underlined at the meeting the importance that standards and benchmarks reflect the close interconnection and mutually reinforcing relationship between the rule of law and human rights. Indeed, international as well as regional instruments, including the European Convention on Human Rights, the Council of Europe Venice Commission [rule of law checklist](#), the EU Treaties and the EU Charter of Fundamental Rights, firmly recognise that a strong regime of rule of law is vital to the protection of human rights, and the rule of law can only be fully realised in an environment that protects human rights. Institutional practice at international and regional level also shows that their scope and content is partly overlapping: a number of human rights enshrined in national constitutions, regional and international instruments being expressly or impliedly connected to specific aspects of the rule of law.

NHRIs apply regional and international human rights standards at the national level, addressing the full range of human rights, including civil, political, economic, social and cultural rights. In this context, they bridge local contexts with regional and international frameworks and procedures and, as part of their core functions, they report to international and regional human rights mechanisms a true picture of the human rights situation on the ground. At the same time, NHRIs complying with the Paris Principles are recognised as an international indicator of accountable and inclusive institutions (SDG 16)– a constituent element of a strong human rights and rule of law framework.

Contributing to a more comprehensive and accurate assessment of the situation in each country and of measures needed to address challenges, a strategic engagement of NHRIs in international and regional rule of law mechanisms can enhance the impact of relevant cooperation, monitoring and enforcement frameworks and thus achieve a better promotion and protection of human rights, rule of law and democracy across the region, which would also lead to a more enabling environment for the fulfilment of NHRIs' mandate.

## 2. Added value and opportunities of a strategic engagement of NHRIs in European rule of law mechanisms



With the progressive strengthening of action to promote and protect the rule of law across the region, NHRIs are regarded by European institutions and bodies as key interlocutors considering their permanence, independence and accountability

Representatives of European institutions and bodies underlined that NHRIs strengthening their action to promote and protect the rule of law is a priority both as regards EU Member States and wider Europe. They identified European NHRIs as key interlocutors to support their efforts, in particular taking into account:

- the close interconnection between the rule of law and human rights;
- the relevance of NHRIs as rule of law indicators, based on their formal and functional independence, pluralism and effectiveness;
- NHRIs' added value as sources of reliable, objective and verifiable information to populate indicators on human rights with rule of law implications, based on their regular monitoring and reporting of the human rights situation on the ground;
- NHRIs' expertise and their ability to provide contextualised information on the rule of law and human rights situation on the ground, beyond legal benchmarks;
- NHRIs' key position in contributing to the identification and implementation of follow up action to address detected issues at the national level, including facilitating discussions with national parliaments and, when covered by their mandate, through court proceedings;
- NHRIs' role in the active promotion of a rule of law culture, including by raising awareness with the general public and cooperating with civil society stakeholders; and
- the added value of NHRIs' engagement as a means to enable European institutions and bodies to get an overview of the situation across the region and identify regional trends.



A strategic engagement of NHRIs in European rule of law mechanisms has the potential of having a positive impact in terms of supporting and enhancing NHRIs' efforts to promote and protect human rights at the national level

There was broad agreement among Heads of European NHRIs at the meeting that a strategic engagement in European rule of law mechanisms may contribute to support and enhance NHRIs' efforts to promote and protect human rights at the national level, considering in particular:

- increased opportunities for synergies and for a strong role of NHRIs in initiatives to promote and protect rule of law and human rights at both national and European level (for example, within the future EU strategy for the effective enforcement of the EU Charter of Fundamental Rights and the EU Action Plan on Human Rights and Democracy);
- the potential positive repercussions on public and state awareness of NHRIs' work, on their resources and capacity and on the impact of their efforts at national level;
- strengthened European and national action to ensure an enabling and protecting environment for HRDs as a constituent element of a strong rule of law and human rights framework, including preventing and addressing negative trends which could affect NHRIs' ability to carry out their mandate, as well as threats and attacks (the relevance of ENNHRI's Regional Action Plan on Promoting and Protecting Human Rights Defenders and Democratic Space was underlined in this respect);
- opportunities for synergies between EU and Council of Europe efforts on rule of law issues, and also related strands of work including:
  - on the establishment and the effective functioning of NHRIs (Council of Europe updated Recommendation on NHRIs and upcoming report on the situation of NHRIs in EU Member States by the EU Agency for Fundamental Rights); and
  - on the protection and promotion of the civil society space across the region (implementation of the recent Recommendation by the Council of Europe Committee of Ministers and of the list of EU actions included in the conclusions of the 2018 EU Annual Colloquium on Fundamental Rights).

Beyond the European frame, synergies with developments at the UN level related to rule of law were also considered (such as the UN ASG for human rights' annual report on reprisals).

The contribution of the Polish NHRI to European Commission efforts within the [Rule of Law Framework](#) dialogue with Poland, and the cooperation set up by NHRIs in North Macedonia and in Armenia with EU delegations, were identified as good practices in this context, with a view to enhancing the role and recognition of NHRIs in European rule of law mechanisms and facilitating NHRIs' access to financial assistance (achieved in particular through twinning programmes in North Macedonia and operational budget support in Armenia).



Ongoing developments at European level offer key opportunities for NHRIs across the entire geographic scope of the network to engage

Representatives of European institutions and bodies illustrated several developments taking place at European level for strengthening action to promote and protect the rule of law in Member States, Enlargement, Eastern Partnership and other countries, as opportunities for NHRIs' engagement.

As regards EU Member States, particular reference was made to ongoing work of the European Commission to set up and launch, as announced in its July 2019 [Communication](#), the Rule of Law Review Cycle, a new annual monitoring and cooperation framework covering the rule of law situation in all EU Member States. The Cycle will be supported, among others, by a dedicated dialogue with Member States on rule of law topics and an Annual Rule of Law Report compiled by the European Commission. The first report, expected for the second half of 2020, will cover four main topics ((i) functioning of justice systems, (ii) corruption, (iii) constitutional issues, (iv) media pluralism and civic space) and will be based on information gathered through a variety of sources, including through an open public consultation based on a general questionnaire, foreseen in early spring 2020.

The Commission's report is meant to feed, among others, the annual rule of law dialogue held by the Council of the EU, as well as the peer review process which is currently under discussion among the EU Member States. Ongoing work of the European Parliament was also addressed, in particular the own initiative legislative proposal launched by the Committee on Civil Liberties, Justice and Home Affairs (LIBE), for a broader monitoring mechanism covering the full scope of Article 2 TEU (including the protection of human rights), supported, among others, by an assessment body of independent experts.

As regards Enlargement countries, Commission representatives underlined the strengthened methodology to support, monitor and report on rule of law related reforms (Judiciary and fundamental rights; Justice, Freedom and Security; and Functioning of democratic institutions), as a key accession benchmark both in the pre-accession phase and within enlargement negotiations, as reflected in the new [Communication on Enlargement Methodology](#). The relevance of NHRIs' engagement was stressed in this context, with praise for the [contribution](#) of 6 NHRIs from Candidate and Potential Candidate Countries compiled by ENNHRI for the European Commission's consultations on the 2020 European Commission Enlargement Package.

Similarly, future annual country cycles and reports for Eastern Partnership countries are expected to show an increased emphasis of the rule of law as a transversal policy objective of EU external

action. This will form part of the [new Eastern Partnership framework](#), as well as within bilateral dialogues with other third countries in line with the expected future priorities of the revised Action Plan on Human Rights and Democracy.

At Council of Europe level, renewed efforts are being made by the Venice Commission with a view to ensuring increasingly contextualised country assessments and advisory opinions and to enhance cooperation and synergies with EU level mechanisms and processes.

### 3. Operationalizing NHRIs' engagement in the current legal and policy framework

#### 3.1 A General Frame for Strategic and Meaningful Engagement



While acknowledging the different features of European rule of law mechanisms relevant for EU, Enlargement, Eastern Partnership and other countries, it is possible to frame a common and coherent engagement of all NHRIs across the region

Discussions highlighted the different features of European rule of law mechanisms relevant for EU, Enlargement, Eastern Partnership and other countries, including as regards the nature of policy processes, the related scope and focus of standards and benchmarks, the monitoring and reporting methodology, as well as the timelines. At the same time, interventions and reactions by Heads of European NHRIs at the meeting stressed the importance to take into account and assess country specificities of the rule of law environment, and related challenges, of each national context. Also, all ENNHRI members are within Council of Europe, OSCE and, of course, the UN.

Heads of European NHRIs at the meeting agreed on the opportunity and added value of a united approach across ENNHRI with a view to framing a common and coherent engagement in European rule of law mechanisms of all NHRIs across the region, in a spirit of cooperation and solidarity. It was also recognised that a united approach could also lead to increased recognition of NHRIs and their mandates, as well as support for NHRIs actions to address rule of law and human rights. A united approach, across ENNHRI, could be based on, and contribute to, the following common principles:

- a) Streamlining a human rights-based understanding of the scope and focus of standards and benchmarks, while taking into account key topics and areas identified by European institutions and bodies for the different mechanisms;

- b) Taking into account standards and recommendations stemming from other relevant processes at regional level in order to favour synergy and consistency, including the Council of Europe [Recommendation on Civil Society Space](#) and the forthcoming updated Recommendation on NHRIs;
- c) Supporting the collation of information gathered by NHRIs and its efficient reporting to the different European rule of law mechanisms by developing a common and coherent reporting structure and methodology;
- d) Framing NHRIs' engagement in a way which reflects NHRIs' role as (a) rule of law indicators, (b) reliable sources of information on the human rights situation, with a particular focus on human rights with rule of law implications and (c) actors contributing to the identification of appropriate remedies and responses and their implementation monitoring;
- e) Respecting the scope of NHRIs' national mandate and the Paris Principles when framing NHRIs' engagement and participation, including the freedom of each NHRI to choose whether to take part, and which information to provide;
- f) Taking account of potential risks to NHRIs when reporting on rule of law, and any necessary safeguards, with a common understanding that each NHRI can judge best the risks and safeguards required, by reference to its own national context. (

The effectiveness, sustainability and impact of NHRIs' engagement should be regularly evaluated, including in the light of regional and national developments and taking into account the impact on NHRIs' environment and capacity, as well as the impact on ENNHRI Secretariat's capacity.

### 3.2 NHRIs as Rule of Law indicators



The consideration of NHRIs as a rule of law indicator would need to take the Paris Principles as a benchmark and be based on a comprehensive assessment taking into account both SCA recommendations and NHRI assessment of an enabling environment


There was agreement among all participants at the meeting that NHRIs are to be regarded as a rule of law indicator, which could be part of the focus of NHRIs' reporting in European rule of law mechanisms, building on an agreed conceptual framework.<sup>2</sup>

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<sup>2</sup> A possible conceptual framework for NHRIs' related rule of law indicators was developed as part of the background paper prepared ahead of the High-Level Consultation meeting and is included in the [Background Paper](#).

In this respect, Heads of European NHRIs underlined the importance of ensuring a comprehensive assessment of NHRIs independence, pluralism and effectiveness both in terms of SCA recommendations and the NHRI’s judgment of an enabling environment, , having regard to the existence of political pressure, threats and attacks.


### 3.3 Matching Expectations, Interest and Capacity

 NHRIs could explore the possibility of developing country-specific rule of law reports, using information extracted from relevant national reports and compiled on the basis of a structure and methodology common to all NHRIs

Representatives of European institutions and bodies underlined at the meeting the importance of reporting through concise summaries of key issues, with reference to national reports and context. At the same time, Heads of European NHRIs drew attention to the importance of NHRIs’ existing reporting activities at national level and towards international monitoring bodies, as well as their in-depth knowledge of the national context as regards the monitoring and identification of key issues and trends. Indeed, monitoring and reporting on the situation of human rights in their country is an obligation under the Paris Principles and a central function of all NHRIs – A-status NHRIs being given independent reporting rights before the UN Human Rights Council, Treaty Bodies and other UN mechanisms. Increasingly, NHRIs include specific chapters in their annual reports dedicated to the rule of law or publish special thematic reports on rule of law issues.

In order to match expectations and capacity, Heads of European NHRIs favored the idea of developing short country-specific rule of law reports, using information extracted from relevant national reports and monitoring activities. Any information collected by a NHRI, relevant to rule of law reporting, could be provided to the ENNHRI Secretariat, on the basis of a structure and methodology common to all NHRIs.

### 3.4 Modalities for effective Engagement and Impacts

 NHRIs’ participation could be anchored in existing procedures, both at the stage of the consultation and through inputting to the processes regulating the functioning of the different European rule of law mechanisms, and could take the form of both individual and collective engagement

There was acknowledgement at the meeting that NHRIs’ engagement would need to take into account the national context, the independent NHRI mandate, and the features of existing

procedures for the different European rule of law mechanisms. For example, while consultation is centralised by the European Commission for all EU Member States in the context of the new Rule of Law Review Cycle, EU delegations remain the key interlocutors as regards Enlargement, Eastern Partnership and other countries.

- In this respect, Heads of European NHRIs agreed at the meeting that different avenues of participation could be considered. :The ENNHRI Secretariat could compile and publish of one single regional report covering the entire geographic scope of the network, made up of the individual country-specific reports and a region-wide introduction (to be consulted upon with the membership / Board);
- The ENNHRI Secretariat could also share a collation of country-specific rule of law reports covering geographic areas of interest with the relevant European actors (e.g. EU, Western Balkans, Eastern Partnership) to match consultation requirements and timelines within the different mechanisms (again, with due information or consultation with relevant members); and; and
- Individual NHRIs, as always, have the option to use their own reports within the national arena or in country-specific reporting processes eg UPR. They can also use the collated reports published by ENNHRI.

On this basis, individual NHRIs could engage as relevant and appropriate in securing opportunities for participation and impact, including in the follow-up to the reporting stage in relation to their country with the support of ENNHRI Secretariat or using direct channels (for example, cooperation with EU delegations). For example, there could be bilateral requests for complementary information, expert assessments, dialogues at European or national level, formulation and follow up of recommendations, including by triggering judicial overview. Such engagement would go hand in hand with follow-up at national level, as chosen by each NHRI based on each its mandate, including for example through annual dialogue with national parliaments and consultations with relevant state authorities, engagement in court proceedings (if appropriate), the promotion of public debate, and by making use of the media and cooperation with civil society organisations.

In addition, there would be opportunities for collective participation and follow-up, with the support of ENNHRI. The Council of Europe and the United Nations have both expressed an interest in regional reports on rule of law and human rights. Further, through informing regional and international bodies of the national rule of law contexts across Europe, the regional bodies could act in support of NHRI recommendations to improve the rule of law and human rights situation. As the report would be public, there could also be scope for its use by multilateral dialogues, peer review processes, and thematic expert panels within regional cooperation frameworks. ENNHRI could also raise awareness of the report in other regional and international fora.



### 3.5 Foreseeing the Necessary Safeguards for NHRIs



Risks arising from NHRIs' engagement in European rule of law mechanisms should be identified and assessed by each NHRI in relation to the national context, and safeguards assured.

Heads of European NHRIs at the meeting agreed that potential risks, and related safeguards, deriving from NHRIs' engagement in European rule of law mechanisms should be identified and assessed by each NHRI having regard to the national context. Risks may include threats to NHRIs' independence, capacity, resources and reputation, and impact on their ability to fulfil their mandate.

Attacks on NHRIs could be reflected in the country-specific rule of law reports, when appropriate, in order to seek support, when needed, from European and other interlocutors. As NHRIs have been recognised and a rule of law indicator, actions to support rule of law should include the promotion, protection and strengthening of NHRIs in compliance with the Paris Principles, including support to NHRIs under threat.

## 4. The Role of ENNHRI



Resources and capacity allowing, ENNHRI can play a key role in developing and supporting a united approach for NHRIs' strategic engagement in European rule of law mechanisms

Heads of European NHRIs identified and agreed a number of key aspects on which ENNHRI could, resources and capacity allowing, support NHRIs' strategic engagement in European rule of law mechanisms:

#### A. Support common reporting:

- Develop a common and coherent reporting structure and methodology, balancing the importance to highlight national specificities with the need for overall consistency;
- Collate and publish an ENNHRI-wide regional rule of law report, including editorial checks and due consultation with members;
- Collate and submit a common reporting for specific geographic areas (such as EU, enlargement or Eastern partnership states), in line consultation requirements and timelines of the different European rule of law mechanisms, with relevant member consultation;

- Share ENNHRI's rule of law report(s) with relevant stakeholders.

## **B. Support effective participation:**

- Identify and make use of opportunities for participation in the different stages of the processes regulating European rule of law mechanisms at regional level;
- Represent NHRIs collectively in relevant regional fora, through either a member or the Secretariat;

## **C. Sharing expertise on NHRIs' standards, mandate and functioning:**

- Provide expert information on NHRIs' standards, mandate and functioning, including on the UN Paris Principles, SCA recommendations, and requirements for an enabling environment for NHRIs;
- Propose coherent NHRIs' related indicators as part of all European rule of law mechanisms, based on a conceptual framework agreed with NHRIs (see proposals in [Background Paper](#));

## **D. Support NHRIs under threat**

- Respond, as appropriate, to NHRIs' identification of risks to NHRIs and other HRDs, and associated requests for support; and
- Liaise with regional and international partners to support NHRIs under threat, in line with ENNHRI's [Guidelines](#) on support to NHRIs under threat.

## **E. Facilitate Members' exchange and joint action on rule of law**

- Provide avenues for knowledge exchange and peer learning between members on rule of law mechanisms, reporting and follow-up; and
- Facilitate debate between European NHRIs to identify opportunities for common action in support of rule of law in Europe.

## **F. Maintain regular contacts with regional stakeholders**

- Inform and consult NHRIs on relevant regional developments; and
- Foster synergies between diverse regional and international processes.

# Annex I

## High-Level Consultation meeting: agenda and list of participants

### Agenda

Time	Item
09:30	<b>1. Introduction</b>
	ENNHRI Chair: welcome ENNHRI Consultant, Linda Ravo: Overview of context and opportunities Q&A and discussion with NHRIs
10.45	<b>Coffee Break</b>
11:00	<b>2. NHRIs and EU Rule of Law Mechanism</b>
	EC DG JUST: Emmanuel Crabit, Director – Fundamental Rights and Rule of Law Q&A and discussion with NHRIs
13.00	<b>Lunch</b>
14.00	<b>3. Linking with Rule of Law in wider Europe</b>
	EC DG NEAR: David Hudson, Senior Expert Strategy, Policy, EEA/EFTA CoE Venice Commission: Simona Granata-Menghini, Deputy Secretary General Q&A and discussion with NHRIs
15.00	<b>4. NHRIs and Democracy, Rule of Law and Fundamental Rights mechanism</b>
	EP LIBE Committee: Michal Šimečka, MEP, Slovakia (RENEW) Q&A and discussion with NHRIs
15.30	<b>Coffee Break</b>
16.00	<b>4. Bridging the national to the European</b>
	NHRI discussions on opportunities and next steps for NHRIs to participate effectively in Rule of Law Mechanisms
17.30	<b>5. Conclusions and Connections to Day 2</b>
19:30	<b>Networking Dinner</b>

## Participants list

### European National Human Rights Institutions (ENNHRI Members)

Country	ENNHRI Member	Position	Full name
Albania	People's Advocate	Chief of Cabinet	Enio Haxhimihali
Armenia	Human Rights Defender's Office	Human Rights Defender of Armenia	Arman Tatoyan
Azerbaijan	Office of the Commissioner for Human Rights	Chief Adviser at the Information and Public Relations Unit	Sevinj Shener
Croatia	Office of the Ombudswoman Institution of the Republic of Croatia	Ombudswoman	Lora Vidović
		Human Rights Promotion, Cooperation and Public Relations Advisor to the Ombudswoman	Tatjana Vlašić
Denmark	Danish Institute for Human Rights	Director, Monitoring of Human Rights Department	Christoffer Ulrik Badse
Finland	Finnish Human Rights Centre	Director	Sirpa Rautio
Georgia	Office of the Public Defender of Georgia	First Deputy Public Defender of Georgia	Tamar Gvaramadze
Germany	German Institute for Human Rights	Senior Adviser to the Board of Directors	Jan Arend
Greece	Greek National Commission for Human Rights	President	Maria Gavouneli
Hungary	Office of the Commissioner for Fundamental Rights	Secretary General	Réka Varga
		Head of Secretariat for the Secretary General	Zsuzsanna Binczki
Ireland	Irish Human Rights and Equality Commission	Commissioner Member & Acting Chair	Heydi Foster Breslin
		Commissioner Member	Salome Mbugua
		Director	Laurence Bond
		Head of Policy and Review	Ruth Gallagher
Moldova		People's Advocate (Ombudsman)	Mihail Cotorobai

Country	ENNHRI Member	Position	Full name
	People's Advocate of the Republic of Moldova	Senior Consultant	Elena Munteanu-Sagaidashina
Netherlands	Netherlands Institute for Human Rights	Chair	Adriana van Dooijeweert
North Macedonia	Ombudsman Office of North Macedonia	State Counselor	Slavica Dimitrievska
Norway	Norwegian National Human Rights Institution	Special Advisor	Petter Fredrik Wille
Poland	Office of the Commissioner for Human Rights	Deputy Commissioner	Hanna Machińska
Russia	Office of the High Commissioner for Human Rights of the Russian Federation	Counsellor	Viacheslav (Slava) Tolmachev
		Senior Adviser	Olga Goncharenko
Slovakia	Slovak National Centre for Human Rights	Legal Expert of External Relations	Beáta Babačová
Spain	Defensor del Pueblo (Ombudsman)	Director of International Relations	Carmen Comas-Mata Mira

## Stakeholders

Organisation	Position	Full name
Amnesty International	Senior Executive Officer	Berber Biala-Hettinga
Council of Europe - Drafting Group on Civil Society and National Human Rights Institutions (CDDH-INST)	Chair	Krista Oinonen
Council of Europe – Venice Commission	Deputy Secretary of the Venice Commission	Simona Granata-Menghini
Council of Europe – Office of the Commissioner for Human Rights	Adviser to the Commissioner for Human Rights	Géraldine Mattioli-Zeltner
Council of Europe – Steering Committee for Human Rights (CDDH)	Head of Human Rights Development Unit	Merete Bjerregaard

Council of Europe - Brussels Office	Adviser	Gisella Gori
European Economic and Social Committee	Policy Officer	Jean-Marie Rogue
European Union Agency for Fundamental Rights (FRA)	Programme Manager - Human Rights Systems	Jonas Grimheden
European External Action Service (EEAS)	Policy Officer for Human Rights, Freedom of Expression, Freedom of Association and the Countries in the North of Africa	Nieves Cotero
EU European Commission - Directorate General for Justice and Consumers (DG JUST)	Director for Fundamental Rights and Rule of Law	Emmanuel Crabit
	Policy Officer Fundamental rights and rule of law	Anna Perego
EU European Commission – Directorate General for Neighbourhood and Enlargement Negotiations (DG NEAR)	Senior Expert Strategy & Policy	David Hudson
	Policy Officer for Fundamental Rights, Rule of Law & Democracy	Victoria Correa
	Policy Officer for Fundamental Rights, Rule of Law & Democracy	Alexandre Baron
European Parliament, Rapporteur on Democracy, Rule of Law and Fundamental Rights Mechanism	Member of the European Parliament	Michal Šimečka
	Assistant to MEP	Michal Ovadek
EU European Parliament – Committee on Civil Liberties, Justice and Home Affairs	Research and Policy Analyst	Ottavio Marzocchi
	Administrator	Angela Balan
UN Office of the High Commissioner for Human Rights (OHCHR)	Consultant	Iverna McGovan
Open Society Foundations	Senior Advocacy Advisor	Kersty McCourt

## ENNHRI Secretariat

Position	Full name
Secretary General	Debbie Kohner
Senior Human Rights Officer (Accreditation)	Katrien Meuwissen
Senior Network Development Officer	Maurice Claassens
Freelance Legal and Policy Consultant	Linda Maria Ravo
Project Coordinator (Human Rights & Conflict)	Valentina Purcel
Communications Officer	Ala Al-Mahaidi
Administration Officer	Christos Katsalis
Communications Trainee	Tina Hadžić
Administration Trainee	Jamila Stute
Human Rights Trainee	Mathilde Benard