

IMPLEMENTATION HUBS

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The European Implementation Network works with NGOs and others across Europe to promote the full and timely implementation of judgments of the European Court of Human Rights ("ECtHR"). The most successful work on implementation of ECtHR judgments combines advocacy at the national level with engagement with the supervision process at the Committee of Ministers of the Council of Europe. EIN supports work at both levels through advocacy, training, and resources.



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1. Introduction

Civil society monitoring of ECtHR implementation at national level can be a challenging mission. Overall, there are currently more than **1,200** leading judgments awaiting implementation. Out of the leading judgments which became final in the past 10 years, 43% of them are still pending implementation. The average number of pending leading judgments is 26 per country and the average time for which a judgment has been pending implementation is over 6 years.

In response to the issue of non-implementation, civil society can engage in a range of actions. In regard to individual cases, they can make NGO submissions to the Committee of Ministers; and engage the country's executive, judiciary, legislature and media to promote implementation. NGOs can also engage in actions aimed at improving a country's implementation as a whole: including holding the government to account over its overall record - and promoting structural solutions.

Naturally, covering the entire range of implementation advocacy activities for all cases is likely to surpass the capacity of a single NGO. In each country, there are usually a few NGOs that monitor and engage with the implementation of a limited number of judgments. Many specialized NGOs with valuable expertise are not yet engaged with the implementation process. The majority of leading cases receive no NGO engagement.

For individual cases, this lack of accountability from civil society is often linked to two problems. The first is a lack of government activity to implement a judgment, which can lead to the reform process being delayed - perhaps indefinitely. The second problem is of governments over-claiming how much progress is happening. If left unchallenged by civil society, such claims can lead to the implementation monitoring process being closed too early, without necessary changes to address the underlying problems.

These issues can affect individual cases – but also a country's implementation as a whole. In most European countries, it appears that there is no civil society organisation holding the government to account about its overall capacity to carry out ECtHR implementation. This is unfortunate, given the widespread issues of non-implementation and “fake” implementation outlined above.

These problems can be addressed through the work of “implementation hubs”.



What are implementation hubs?

Implementation hubs carry out a wide range of activities to improve the engagement of civil society with the implementation of ECtHR judgments. These activities can improve the execution of particular cases - and a country's implementation overall. They include:

- A) Spreading information about cases and matching NGOs to judgments**
- B) Joint Rule 9 submissions**
- C) Engagement with the media**
- D) Advocating for systemic reforms**
- E) Building implementation hubs on existing synergies**
- F) Facilitating the training of other NGOs**

The purpose of this document is to disseminate information about the implementation hub activities of organisations across the network. There is no requirement that EIN members carry out all or indeed any of these tasks – indeed, most organisations would lack the resources and/or mandate to do this.

However, we do want to establish an ongoing dialogue about what organizations in other countries are doing to advance ECtHR implementation; to identify what would work best in different contexts; and to provide inspiration for increased implementation hub activity.

As recognition grows of the importance of ECtHR implementation, EIN members and partners are leading the way in turning that attention into effective civil society action. The purpose of this document is to show how they are doing this – and, most importantly, contributing to meaningful change.

2. Examples of Implementation Hubs and their activities

A) Spreading information about cases and matching NGOs to judgments

Simply taking initiative to disseminate EIN alerts in noteworthy cases among one's network of national NGOs or **referring other relevant NGOs to EIN** can be a valuable way to ensure that relevant expertise is harnessed into the implementation process.

For example, the Greek Helsinki Monitor has referred to EIN the Hellenic League for Human Rights, which, with EIN support, have recently made an excellent submission in the case of *Nisiotis v. Greece* regarding conditions of detention in Greek prisons. In the context of the implementation of *P. and S. v. Poland* regarding the right to legal abortion, the Helsinki Foundation in Warsaw



has also connected EIN with two NGOs from their network: the Centre for Reproductive Rights and the Federation for Women and Family Planning. In 2020, EIN provided them with support by organising a briefing to the Committee of Ministers where the two NGOs presented. In another example, OSF Nadace Prague raised the attention of Forum for Human Rights regarding EIN's updates in *D.H. v. the Czech Republic* - which concerns discrimination against Roma children in their right to education - while also directing EIN to Forum for Human Rights. These 'referrals' led to new submissions from Forum in the case, which are very well-substantiated based on Forum's expertise.

After EIN's online training for North Macedonian organisations in June, the Macedonian Young Lawyers' Association (MYLA) have had the role of informing other stakeholders about implementation developments and supporting their ECHR implementation efforts. MYLA have recently reached out to another local NGO, the Skopje-based Association for Civil Rights Protection No Pasaran, setting up a collaboration plan on the implementation of the *Strezovski and Others v. North Macedonia* case, in which the latter has already made a Rule 9.2 submission in September 2020. They have also reached out to lawyers in other cases which are pending implementation.

When an important gender violence case against Romania was scheduled on the Committee of Ministers agenda, EIN reached out to its member in Romania, the Association for Defense of Human Rights in Romania - the Helsinki Committee (APADOR-CH), seeking to identify a local NGO with expertise in this field. APADOR-CH put EIN in contact with the Filia Centre, a Bucharest-based NGO specialised in women's rights, who is also a member of the Network on preventing and combating violence against women. With EIN's guidance, the Network has made a Rule 9.2 submission in the *Balsan* case, and the two are planning further collaboration on cases regarding domestic and sexual violence.

Referrals such as these have helped to **almost triple** the number of Rule 9.2 submissions over the last two years. Nevertheless, EIN estimates that only **around 7%** of leading cases are the subject of an NGO submission. Spreading information and making referrals is a key way in which we can build on the progress made so far and further increase NGO engagement in particular cases.

B) Joint Rule 9 submissions

Collaboration with other NGOs to make **joint Rule 9 submissions** before the Committee of Ministers can be an effective way to **amplify the voice of civil society**, to ensure that work to write Rule 9s is not being **needlessly duplicated** in multiple submissions, and to ensure submissions have valuable information obtained by **other expert organisations**. For example, the Hungarian Helsinki Committee regularly co-operates with other NGOs to make joint submissions in key cases (with Amnesty International Hungary in the *Baka* case; with the Hungarian Civil Liberties Union



in *Patyi and others*). In Serbia, the Association for the Protection of Constitutionality and Legality (UZUZ Serbia) coordinated with other NGOs in making [a series of submissions](#) in the Serbian missing babies' case, the *Zorica Jovanović* judgment, which they also helped to bring into the media spotlight.

The Human Rights House Zagreb (HRHZ) have also expanded their activity in Croatia, with the scope of giving a new momentum to the implementation process. After having welcomed an EIN training in May 2019 aimed at enhancing civil society capacity to advocate for the implementation of ECHR judgments, HRHZ have cooperated with other local NGOs, Centre for Peace Studies and Document – Centre for Dealing with the Past, on joint submissions to the Committee of Ministers in the *Secic v. Croatia* group of cases, which concerns the failure to carry out an effective investigation into a racist attack, and in the *Skendzic and Krznic v. Croatia*, regarding investigations into war crimes committed during the Croatian Homeland War. Furthermore, HRHZ have also been working together with media NGOs on the implementation of the *Stojanović v. Croatia* case, a group of cases concerning freedom of expression, and specifically hate civil defamation proceedings.

C) Engagement with the media

Another way in which NGOs can advance implementation is by working with **the media to spread information and raise awareness about the implementation progress - holistically or in a particular case.**

NGOs have jointly engaged with the media to advocate for the implementation of particular ECtHR judgments. One example is in Serbia, where a coalition of four NGOs - the Association for Protection the Constitutionality and Legality, YUCOM, the A11 Initiative and the Belgrade Group of Parents of Missing Babies – jointly organized a press conference to raise awareness about the misguided general measures that the Serbian government was planning to take for implementing the *Zorica Jovanovici* case, also called ‘the missing babies’ case’. The press conference was accompanied by significant press coverage and protests. The media coverage contributed to the pressure exerted on the government, eventually leading to the passing of an alternative draft law prepared by civil society activists together with victims.

EIN members have also regularly highlighted the issue of a country’s implementation record as a whole. For example, EIN’s publication of an interactive country map showing the status of ECHR implementation in each Council of Europe member state was promoted by EIN members at national level, leading to significant media coverage about overall levels of the non-implementation of ECtHR judgments on [TV, radio](#), in newspapers and on [social media](#), in Georgia, [Bulgaria](#), Hungary, [Poland](#), and [Romania](#), while also becoming the subject of debate in a prime-time current affairs show in [Moldova](#).



In some Council of Europe states, NGOs publish annual written reports about the overall state of the implementation of judgments. For example, this has been carried out by the [Helsinki Foundation for Human Rights in Poland](#) and [the Legal Resources Centre in Moldova](#).

D) Advocating for systemic reforms

Implementation hubs can also organize advocacy campaigns for systemic reforms to improve ECtHR implementation holistically. For example, the Legal Resources Centre in Moldova has been advocating with other NGOs for the creation of a Parliamentary oversight mechanism for ECtHR implementation as a structural solution to improve implementation. Due to their advocacy efforts, the plenary of the Moldovan Parliament has recently adopted an amendment to the Parliament Regulation, setting up a Parliamentary Subcommittee on Parliamentary Oversight of the Enforcement of the Judgments and Decisions of the European Court of Human Rights.

Equally important is the work to monitor the ongoing work of such mechanisms. For example, the Georgian Young Lawyers' Association (GYLA) recently carried out advocacy activities to highlight deficiencies in the country's parliamentary oversight mechanism for the implementation of ECtHR judgments – and indicated necessary reforms.

Depending on the national context, implementation hubs can also advocate for the inclusion of ECtHR case law in the official training of magistrates and law enforcement. This type of systemic reform can contribute significantly to advancing implementation in a holistic way.

E) Building implementation hubs on existing synergies

One effective way to create implementation hubs is to **build on existing civil society synergies**.

In March 2020, EIN held a training workshop in Armenia which led to the creation of an implementation hub co-ordinated by OSF Armenia. The hub was set up based on an already existing group of six NGOs and various lawyers who were working on justice issues. The group incorporated monitoring and engagement with ECHR judgment implementation into its workplan. They now follow implementation developments closely in order to verify shortcomings and meet to discuss the progress of ECHR implementation at national level, while functioning as a contact point for external stakeholders. They have been making joint submissions to the Committee of Ministers, liaising and organizing meetings between EIN and NGOs in need of EIN's support, while also assessing further training needs in Armenia and collaborating with EIN to provide further support.



This model has strong potential to contribute to the systematic improvement of ECHR implementation. Due to the challenge of a single organisation carrying out the full range of implementation hub work, this collaborative approach could be usefully replicated in other states.

F) Facilitating the training of other NGOs

EIN's training workshops on implementation are aimed at raising awareness about the ECHR implementation process and at building NGO capacity to get involved in it. By bringing together a wide range of groups that would like to work on implementation, the workshops provide a good opportunity to promote ongoing collaboration between NGOs, and/or the role of a particular NGO as a leader on this issue. In particular, the workshops are organised jointly by the EIN Secretariat and a national member organisation. The national organisation plays a crucial role in identifying the NGOs in their country which would benefit from the training, and in facilitating their participation. As such, the workshops provide an opportunity for members to bring other organisations into the implementation process. They also provide the convening organisations with an opportunity to enhance their hub activities in future, by maintaining contact with the participating NGOs and organising ongoing joint activities.

3. EIN support to implementation hubs

There are several ways in which EIN can support implementation hubs - depending on the national context, on the civil society organizations' needs and on their existing capacities. EIN support can be designed on a case by case basis, based on the indicative list of activities below:

- Providing initial support and guidance to NGOs brought into implementation by national implementation hubs;
- Providing feedback on draft Rule 9 submissions by NGOs that have been referred to the network;
- Delivering trainings organized jointly with implementation hubs to other NGOs;
- Supporting the holding of governments to account for their overall implementation record by providing short briefing notes or substantive written reporting on the overall state of implementation in the country;
- Supporting efforts to promote structural solutions to improve implementation – such as Parliamentary Monitoring Mechanisms or Government Working Groups – by arranging for international experts to speak in favor of these at official events, or by co-organizing conferences on implementation;
- Supporting fundraising for implementation by giving evidence of widespread problems;



- Organising exchanges of good practices of implementation advocacy with NGOs from other countries that have successfully advocated for the implementation of judgments about particular issues.

4. Conclusion

Creating national hubs can help improve ECHR implementation holistically, turning civil society into a constant and alert stakeholder at the implementation table and bringing real, positive impacts to human rights in the long term. Merely matching NGOs with judgments that fall within their scope of activity can go a long way in invigorating the implementation process.

At EIN, we explore ways in which civil society capacity can be enhanced to form implementation hubs that act in a co-ordinated manner, harness expertise and direct capacity where needed. However, the range and type of activities taken up by implementation hubs depends entirely on their area of interest, scope of activity, capacity and assessment of what would be effective and safe to engage in.

If you are a civil society actor seeking to develop your capacity and take upon the role of 'implementation hub', or to form a hub together with your national partners, we invite you to seek our support by communicating your training needs to the EIN Secretariat.