



Established to champion
the implementation of judgments of
the European Court of Human Rights

ANNUAL REPORT 2017

Chair's statement



When I read of the launch of a new organisation, I am always tempted to ask, Why? What is it going to do that is not already being covered by someone else? So I want to use the opportunity of this first annual report of the European Implementation Network (EIN) to describe the critical gap in Europe's human rights protection mechanisms that we want to fill.

Few would argue with the claim that the European Convention on Human Rights and its supporting institutions (the Court and the Committee of Ministers) constitute the world's most effective international mechanism for enforcing human rights. But it faces numerous challenges. One major problem lies in the efficacy and transparency of the process for ensuring the implementation of judgments. This seeks not just redress for the victim, but also wider measures of a legal, policy or other nature (so-called "general measures") designed to ensure that the violation in question is not repeated. Significant delays or inadequacies in judgment implementation and huge numbers of repetitive cases coming before the Court show that all too often measures supposedly implemented in earlier cases have not been effective.



European Court of Human Rights



The Palais de l'Europe

It is this "implementation crisis" that EIN aims to address by increasing the involvement of civil society. Implementation of judgments is supposed to be ensured through peer pressure by member states in the Committee of Ministers. NGOs are permitted to submit evidence as to what measures are needed and whether they have actually been implemented. These submissions can be very important – in their absence, the Committee of Ministers may have no independent information to assess whether a case has been effectively implemented.

But NGO submissions are made in only a tiny proportion of cases – typically, somewhere between 70 to 90 each year, compared to approximately 7,500 now pending implementation. A major reason is the difficulty that NGOs face in obtaining information on the working of the Strasbourg implementation process, including how and when to intervene most effectively, and how to take advantage of the process to advocate domestically. It is this gap that EIN seeks to fill through raising awareness among NGOs of the need to engage with the implementation process, providing NGOs with related capacity-building, and supporting their advocacy activities.

Our progress in setting up EIN would not have been possible without the work of EIN Bureau members, Professor Philip Leach (Vice Chair), Dominika Bychawska-Siniarska (Secretary) and Nigel Warner (Treasurer), along with Malcolm Langford and Vladislav Gribincea who serve as Board members. I also thank Ramute Remezaite for her hard work as EIN's consultant during the set-up of the organisation, our founding member Andrew Drzemczewski for his constant support, our first Director, Kevin Steeves, and our first Finance and Events Officer, Agnès Ciccarone.

Thanks are especially due to our funders, the Oak Foundation and Open Society Foundations, without whose support the launch of EIN could not have happened.

Prof. Başak Çalı
EIN Chair

Director's statement



Although EIN was launched as an independent organisation in late 2016, its history goes back before that. It came to life in 2015 as a project of Judgment Watch, an NGO based in Geneva that monitors the implementation of human rights judgments. In cooperation with the Open Society Justice Initiative, it undertook a number of activities aimed at enhancing civil society's involvement in the Strasbourg implementation process, including piloting informal briefings by NGOs to the members of the Committee of Ministers ahead of their quarterly judgment implementation meetings.

In April 2016, Judgment Watch organised a gathering of domestic human rights NGOs with active interest in this question. They strongly supported a proposal to establish EIN as an independent entity and together drafted its strategic plan. There followed the launch of EIN at a public meeting at the European Court of Human Rights in December 2016, its registration as an independent legal entity at the start of 2017, and my appointment as Director in the summer.

In the pages that follow we set out more details of activities conducted during the year. Suffice it to say here that experience so far strongly supports the rationale for EIN's existence. There is evidence that in many cases, particularly those where member states are reluctant to implement judgments, the benefits of NGO engagement can be very significant. In some, where government officials provide questionable information on the measures needed or the effectiveness of the steps they have taken, evidence submitted by NGOs can set the record straight, directly influencing the response of the Committee of Ministers and thereby encouraging the national authorities to take the implementation process more seriously. This can in turn make the authorities treat the recommendations and advice of these NGOs with much greater respect, enhancing the role of civil society at the national level.

Capacity-building for NGOs is central to EIN's mission. Training organised so far demonstrates a high level of satisfaction with the information provided and demand from across Europe to participate.

We remain committed to EIN's development and success, and as the year unfolds we look forward to presenting the work we have delivered when all our members and partners come together at the first Network Meeting in Strasbourg at the end of this year.

Kevin Steeves
EIN Director



EIN launch event, European Court of Human Rights, December 2016



EIN briefing on cases of the European Court of Human Rights, Palais de l'Europe, Strasbourg, September 2017



EIN briefing on cases of the European Court of Human Rights, Palais de l'Europe, November 2017



EIN training seminar, Warsaw, February 2018

Our vision and mission

EIN envisions the full, consistent, and effective implementation of judgments of the European Court of Human Rights.

EIN's mission is to build and strengthen the ability of lawyers, NGOs and communities to access every part of the Council of Europe, which can lead to a better application of these judgments; to advocate for full implementation of particular cases; and to support more robust structures that facilitate implementation.

EIN's secretariat enables the Network to play a coordinating, intermediary role to connect partners with each other and with Council of Europe institutions, supporting them in advocating for better implementation of judgments at the Strasbourg level, while sharing best practices on effective implementation at the national level.

The office in Strasbourg

EIN staff members work in an office secured by agreement with the René Cassin Foundation – International Institute of Human Rights. Situated next to the European Court of Human Rights and other Council of Europe entities, this location is ideal for EIN.



April 2016

First Network meeting
in Istanbul

January 2017

Registration as an independent
legal entity in Alsace, France

January 2018

EIN opens its office
in Strasbourg

Developing a vibrant network of NGOs focused on the implementation of human rights judgments

Fostering communications and information exchange

EIN acts as a bridge between Strasbourg and its members and partners across Europe. One way this is achieved is through communications and outreach activities designed to strengthen the links between our members and partners in 19 countries and the work of Strasbourg-based entities.

EIN publishes a quarterly newsletter to which over 660 organisations and individuals consisting mainly of NGO and Council of Europe staff, lawyers and academics subscribe. A key feature is a series of articles entitled EIN Voices. These are about cases dealing with topics for which awareness needs to be raised. Those addressed in 2017 included detention conditions in Russia, the independence of investigative authorities in Georgia and transgender rights in Lithuania.

EIN's website was enhanced by creating an e-library that allows users to find in one place relevant information on the implementation of judgments. Network members and partners maintain this e-library by uploading documents through the EIN secretariat. EIN's website also now includes a digital map showing the implementation status of judgments in individual member states, the number of civil society briefings in Strasbourg by EIN members and partners, and links to submissions and other analyses by NGOs.

Identification of core needs and capabilities

The secretariat conducted a needs assessment of EIN members in October 2017. The survey looked at how they focus on implementation and what kind of support they need. Key findings included the need for training on the implementation process of the Committee of Ministers, how to make effective submissions and how to use Council of Europe institutions (such as the Office of the Commissioner for Human Rights and the Parliamentary Assembly) to support domestic-level advocacy. The survey also identified topics which members particularly considered should be addressed, such as the right to a fair trial, prohibition of torture, and protection of rights in detention.



Discrimination against Roma in education : waiting for changes on the ground, EIN Voices, 11 March 2017



The independence and impartiality of investigative authorities and rights of victims in Georgia, EIN Voices, 11 September 2017



Over **660 subscribers** to the quarterly newsletter

Acting as a bridge between Strasbourg & members across Europe

Input from the ground through the EIN Voices

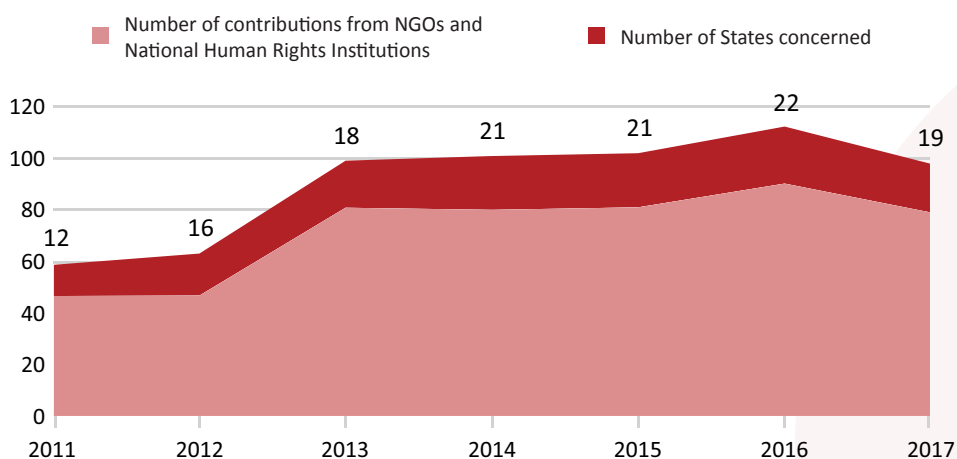
Strengthening the capacity of NGOs and lawyers to engage with the judgment implementation process

Training for NGOs

The training of NGOs and lawyers to give input to the Committee of Ministers' judgment execution process is the central component of EIN's capacity-building. With valuable support by the Council of Europe's Department for the Execution of Judgments, EIN has developed a course which provides NGOs with the detailed information needed – in particular on making effective submissions to the Committee of Ministers, which are allowed under Rule 9 of the Committee of Ministers' Rules of Procedures. It embeds the learning through presentations by NGOs experienced in the judgment execution process, as well as through working collaboratively on case studies.

The inaugural training was delivered at the Helsinki Foundation for Human Rights in Warsaw on 1 and 2 February 2018. Twenty human rights lawyers and activists from Albania, Armenia, Greece, Hungary, Macedonia, Moldova, Poland, Romania, Serbia, Turkey, the United Kingdom and Ukraine attended. A second session will take place at the European Youth Centre in Strasbourg on 21 and 22 June 2018.

Contributions of civil society – Rule 9 submissions



Source: Data from the 11th Annual Report of the Committee of Ministers, 2017, page 73

A handbook for practitioners

A further important element of EIN's capacity-building work is the development of a handbook on implementation for NGOs, lawyers and other practitioners. A first draft was prepared and tested by the end of 2017. The final handbook will be released in the third quarter of 2018 and become a core element of EIN's capacity-building. It provides comprehensive information on the relevant institutions, on implementation processes, and detailed advice for NGOs on how to engage with these processes.

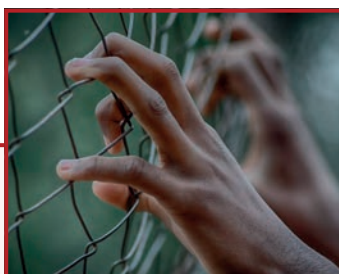


Supporting NGOs advocating for implementation of judgments

Briefings to the member states of the Council of Europe

In 2017, EIN organised four NGO briefings in advance of the quarterly meetings of the Committee of Ministers to review implementation of judgments. The briefings were co-organised with the Open Society Justice Initiative, which first launched the briefings in 2014, and later began convening them with EIN in 2015. EIN took over the responsibility for organising these briefings as of 2018.

The briefings provided up-to-date analyses and recommendations on many important cases. Amongst high-profile cases were a briefing by the Russian opposition leader, Alexey Navalny, on his politically motivated conviction for corruption, and by the legal representative of the Yukos oil company. Other cases included: an Azerbaijani human rights defender named Ilgar Mammadov (in an important precedent, the Committee of Ministers urged the reopening of his conviction on the basis that it arose from a 'political prosecution'); the right to freedom of association of minority communities in Greece and Bulgaria; and the degrading treatment of asylum seekers and irregular migrants in Belgium.



Degrading treatment of migrants in detention

M.S.S v Belgium and Greece (Appl. No. 30696/09)

Briefed on: 20 February 2017

The M.S.S group of cases concerns the degrading treatment of the applicants (asylum seekers or irregular migrants) on account of their conditions of detention such as overcrowding, insufficient ventilation, lack of regular access to toilets or sanitary facilities, unsuitable food or inadequate allowances for food in various detention facilities. The ECtHR found such a treatment amount to a violation of Article 3 of the Convention.



Refusal to register associations from ethnic minorities

Bekir-Ousta and others group v Greece (Appl. No.35151/05)

Briefed on: 27 November 2017

This group of cases concerns the refusal by domestic courts to register associations on the grounds that their aim was to promote the idea that an ethnic Turkish minority existed in Greece. In 2008 the ECtHR found a violation of Article 11 of the Convention. A similar judgment was made in 2015 in the case of a Macedonian minority organisation in Greece *House of Macedonian Civilization and others v Greece*.

Engagement in Strasbourg for EIN members and partners

EIN held regular meetings with representatives of Council of Europe entities and permanent representations of member states. Besides giving EIN an opportunity to advocate, the meetings allowed for the exchange of information on the status of cases, as well as discussion of the implementation challenges affecting many thousands of judgments of the European Court of Human Rights.

Direct technical support was provided to EIN members and partners by the secretariat, for example, advising on how best to monitor the activities of the Committee of Ministers and the Department for the Execution of Judgments and organising informal briefings on individual cases.



EIN Vice-Chair Phil Leach and Alexei Navalny, Founder of the Anti-Corruption Foundation, EIN briefing, September 2017

Advocating for improved implementation processes at the European level

EIN's role includes advocating for improvements to the Council of Europe's judgment implementation mechanisms. Initiatives under this heading included the following:

The EIN Vice Chair participated in a conference entitled 'Principled Resistance against Judgments of the European Court of Human Rights – a New Paradigm?', which took place at the University of Konstanz in Germany on 1 and 2 June. The conference provided a forum to discuss certain states' refusal to abide by the judgments of the European Court of Human Rights.

In September, EIN's Consultant gave an interview to POLITICO on the various challenges affecting the judgment execution process.

The EIN Chair and Vice Chair delivered keynote talks and chaired sessions at the High-Level Expert Conference '2019 and Beyond: Taking Stock and Moving Forward from the Interlaken Process', which took place in Kokkedal from 22 to 24 November. EIN teamed up with five other NGOs after the conference, issuing a joint statement calling for national governments to meet existing legal and political commitments on national implementation.

On 8 November, the EIN Director participated as a panellist at a seminar in Strasbourg on the developing remedial practice of the European Court of Human Rights.



Panel of speakers at the November 2017 seminar entitled "The Developing Remedial Practice of the European Court of Human Rights"



"In cases of good people in government, it's true that they are in a much better position to know how to best remedy the violation," said Ramute Remezaite, a legal consultant at the European Implementation Network, an NGO that campaigns for all of the court's judgments to be respected. "The court may not understand the national context like national authorities would. But that's being abused by some countries."

Article in POLITICO, September 2017

Treasurer's statement



Grants of €94,000 by the Oak Foundation in February and €106,000 by Open Society Foundations in October enabled the recruitment of the first EIN Director and later the Finance and Events Officer.

An early priority was to establish proper accounting procedures and controls. An online accountancy system has been set up, enabling prompt and accurate recording of expenditure, regular monitoring by the Bureau, and management of grants in line with the requirements of funders. The audit firm Gross-Hugel was appointed by the Board as EIN's external auditor.

The full audited accounts for 2017 are available on EIN's website. Set out below is a summary of EIN's financial activities. Total expenditure amounted to €60,894, much less than the €250,000 EIN would need to operate effectively in a full year, since staff were only employed for part of the year and only a limited range of activities was conducted. In addition, the quarterly NGO briefings to members of the Committee of Ministers were paid for by the Open Society Justice Initiative, with whom the briefings were conducted. These will be paid for by EIN as of 2018.

To operate effectively EIN needs to increase its funding, whether through core support or from individual projects. This is an important challenge for the Network, and the Director and the Bureau are actively exploring all possible avenues.

Nigel Warner
EIN Treasurer

Summary of financial activities (2017)

EXPENDITURE	
Personnel	42,044 €
Programme expenses	2,766 €
Office, administration & governance	16,084 €
Total Expenditure	60,894 €
INCOME	
Grants and donations	
Oak Foundation	45,630 €
Open Society Foundations	15,264 €
Total Income	60,894 €

Our supporters:

**OPEN SOCIETY
FOUNDATIONS**

**OAK**
FOUNDATION

Current EIN members

Accountability Unit, UK

Andrew Drzemczewski, individual member

Association for the Defence of Human Rights in Romania - the Helsinki Committee, Romania

Prof. Başak Çalı, individual member

Christian De Vos, individual member

Committee on the Administration of Justice, Northern Ireland

European Centre, Albania

European Human Rights Advocacy Centre, UK

European Roma Rights Centre, Hungary

Fair Trials, Belgium

Greek Helsinki Monitor, Greece

Helsinki Citizens Assembly Vanadzor Office, Armenia

Helsinki Foundation for Human Rights, Poland

Hungarian Helsinki Committee, Hungary

Judgment Watch, Switzerland

Kanstantsin Dzehtsiarou, individual member

Lawyers' Committee for Human Rights, Serbia

Legal Resources Centre from Moldova, Moldova

Macedonian Young Lawyers Association, FYROM

Netherlands Helsinki Committee, The Netherlands

Nigel Warner, individual member

Open Society Justice Initiative, USA

Prof. Philip Leach, individual member

Stichting Justice Initiative, The Netherlands

Ukrainian Helsinki Human Rights Union, Ukraine



EIN structure and governance

The EIN Board, elected for a term of four years, currently consists of:

Professor Başak Çalı (Hertie School of Governance, Berlin; Center for Global Public Law, Koç University, Istanbul)

Judgment Watch, represented by Malcolm Langford

Helsinki Foundation for Human Rights, represented by Dominika Bychawska-Siniarska

Legal Resources Centre from Moldova, represented by Vladislav Gribincea

Nigel Warner (ILGA-Europe Advisor on Council of Europe)

Professor Philip Leach (School of Law, Middlesex University, London)

The EIN Bureau, elected for a term of two years, is currently comprised of:

Professor Başak Çalı, Chair

Professor Philip Leach, Vice-Chair

Dominika Bychawska-Siniarska, Secretary

Nigel Warner, Treasurer

Our team:

Kevin Steeves, Director

Agnès Ciccarone, Finance and Events Officer

Ramute Remezaite, Consultant

Our membership

The Network is a group of people and organisations that work with each other to achieve EIN's vision and mission. They become linked to the Network through participation in its activities.

Interested in joining us? EIN membership is open to all civil society organisations or individuals adhering to the founding statute of EIN and working towards effective implementation of judgments of the European Court of Human Rights.



Editor: EIN • **Editorial contributors:** Prof. Başak Çalı, Kevin Steeves, Nigel Warner

Photos: EIN website and Twitter account, Council of Europe website, Wikipedia, George Stafford, politico.eu, europeanprogres.org, @OCMediaorg

Layout: Alain Fritsch - Création graphique • **Print:** Parmentier Imprimeurs

CONTACT

Kevin Steeves

EIN Director

ksteeves@einnetwork.org

Agnès Ciccarone

EIN Finance and Events Officer

aciccarone@einnetwork.org

Postal address:

BP 80007, F- 67015 STRASBOURG

Visitors' address:

2 allée René Cassin, F-67000 STRASBOURG

FOLLOW US



www.einnetwork.org



@EI_Network