

Evaluation of the effectiveness of the Council of Europe support to the implementation of the ECHR at national level



” True peace is not merely
the absence of war,
it is the presence
of justice
Jane Addams

Abridged version

EVALUATION OF THE COUNCIL OF EUROPE SUPPORT
TO THE IMPLEMENTATION OF THE ECHR
AT NATIONAL LEVEL

Abridged Final Report

REPORT

Directorate of Internal Oversight

Evaluation Division

Evaluation (2017)20

30 January 2017

This report was prepared by the Directorate of Internal Oversight, with the support of the consulting company ICF International. It is based on the terms of reference established after an exchange of views with the Reference Group consisting of main stakeholders in the CoE secretariat which accompanied the evaluation exercise by providing oral and written feedback throughout the process. In addition, a presentation and discussion were held with the Permanent Representations of member States concerned by the evaluation and other permanent representation who expressed their interest in the exercise.

The report reflects the views of the independent evaluators, which are not necessarily those of the Council of Europe. We would like to express our gratitude to the partners in member States involved in the exercise and to the CoE staff, and especially to all the persons interviewed during the conduct of this evaluation.

Evaluation of the Council of Europe support to the implementation of the ECHR at national level

Abridged Final Report

I. The mandate for the evaluation

1. Since 2010, the Council of Europe has engaged in an ambitious reform process “to ensure the long term effectiveness of the Convention System.”¹ The four Conferences in Interlaken (2010), Izmir (2011), Brighton (2012) and Brussels (2015) addressed the main challenges such as the high number of applications made to the European Court of Human Rights (the Court) and the effective implementation of the European Convention on Human Rights (ECHR) at national level.
2. The Declaration adopted at the high-level conference in Brussels entitled “Implementation of the European Convention on Human Rights, Our Shared Responsibility”, encouraged the Secretary General to evaluate the Council of Europe co-operation and assistance activities relating to the implementation of the Convention so as to move towards more targeted and institutionalised co-operation. In accordance with the Brussels Declaration, the Directorate of Internal Oversight included in its work plan the evaluation of the effectiveness of the Council of Europe support to the implementation of the ECHR at national level.

II. The purpose of the evaluation

3. The purpose of the evaluation is to assist the Secretary General in his preparation of proposals to the Committee of Ministers (CM) on how the delivery and the effectiveness of Council of Europe support to the member States in their efforts to implement the ECHR can be improved.
4. The improvements in the Council of Europe support seek to contribute, at different levels of political and practical influence, to resolving “the repetitive applications resulting from the non-execution of Court judgments, ... the growing number of judgments under supervision by the Committee of Ministers and the difficulties of States Parties in executing certain judgments due to the scale, nature or cost of the problems raised” (Brussels Declaration, 27 March 2015).

¹ Council of Europe, *Reforming the European Convention on Human Rights, Interlaken, Izmir, Brighton and beyond*, 2014, 7.

III. What does ‘implementation of the ECHR’ refer to?

5. The evaluation addresses the following four focus areas related to the implementation of the ECHR. These are:
- a) Swift execution of the Court’s judgments
 - b) Creation of national remedies when Convention rights were violated
 - c) Achieving conformity of national laws and administrative measures with the Convention and with the case law of the Court
 - d) Mainstreaming of the ECHR into national education programmes for legal professionals and awareness raising

IV. The Subsidiarity Principle

6. State parties to the ECHR undertake to abide by the final judgments of the Court in accordance with Article 46 of the ECHR. The Committee of Ministers through the assistance of the Department for the execution of the judgments of the European Court of Human Rights (ED) supervises the execution of judgments. In line with the subsidiarity principle, the States promote compliance with the ECHR within all institutions (executive, legislative and judiciary), involving, but not limited to, the four focus areas mentioned above.

V. The range of the Council of Europe support

7. The Convention system in the strict sense encompasses the Court, the Respondent State and the CM. However, an array of Council of Europe institutions and entities supports the Convention system. In this wider context, the Convention system also includes the Commissioner for Human Rights (the Commissioner), the Venice Commission, the Parliamentary Assembly of the Council of Europe (PACE), the Secretary General (SG) and the relevant monitoring, standard-setting and advisory bodies and committees as well as operational entities in charge of developing co-operation programmes.
8. The Council of Europe supports member States in their efforts to implement the ECHR through its programmes, institutions, networks, standards and expert advice. The range of support mirrors the system of the European Convention on Human Rights in the wider context of the Council of Europe.

VI. Themes and Countries

9. The evaluation focused on the analysis of the Council of Europe support to the national implementation of the Convention provided by various Council of Europe entities **between 2012 and 2015** helping member States fulfil their obligations under the Convention in the following themes based on the statistics in the CM annual report for 2014:
- a) Conditions of detention
 - b) Ill-treatment by law enforcement in pre-trial detention and impunity
 - c) Unlawful detention
 - d) Length of judicial proceedings
10. The evaluation covered the following countries based on the statistics in the CM annual report for 2014: Bulgaria, Greece, Italy, Republic of Moldova, Romania, Russian Federation, Turkey, and Ukraine. In addition, two other countries were covered, Poland and “the former Yugoslav Republic of Macedonia” which received Council of Europe project support. Moreover, an online survey was addressed to the government agents and co-agents of the 47 member States.

VII. Data Collection Methods

11. Field visits were conducted in all the countries selected (except for the Russian Federation); around 160 interviews were conducted with representatives of national ministries, judiciary, parliaments, NHRIs and civil society. In addition, approximately 80 Council of Europe staff were interviewed individually or in groups. The evaluation terms of reference were discussed with the Permanent Representations of the countries selected and the permanent representations who volunteered to participate in the evaluation were interviewed after the field visits. Interviews were also undertaken with international civil society organisations. Around 345 documents were reviewed, eight major projects related to the selected themes and countries were assessed and a survey covering the government agents and co-agents of 47 member states was conducted.
12. Projects targeting improvements in the above mentioned thematic areas and countries in the period between 2012 and 2015 were identified taking into account the assessment of the Directorate General for Human Rights and Rule of Law of all its cooperation activities in respect of their relevance for the execution of judgments and consultations with project managers. Preference was given to those projects, which directly addressed the execution of a Court judgment.

VIII. Conclusions, Recommendations and Suggestions²

Conclusion 1. Need to focus on better understanding of judgments by member States, actual implementation of laws and facilitating communications of non-governmental organisations (NGOs) and National Human Rights Institutions (NHRIs) on action plans for the execution of judgments

13. The Committee of Ministers reforms for the supervision of the execution of judgments, such as the twin-track procedure and the introduction of action plans within a period of 6 months after the judgment has become final, have facilitated the execution of judgments. Action plans have been an effective support to member States, yet a number of challenges remain.
14. Two main difficulties have been raised by the various stakeholders in member States consulted in this exercise, both linked with the interpretation of the basic principle of subsidiarity. The first concerns the fact that the exact measures to be taken to execute judgments are not always clear to member States. Although in accordance with the subsidiarity principle it is the responsibility of the member States to identify the necessary measures, the ED's face-to-face meetings and round tables which include experts from different countries help clarify how to go about executing a judgment. There is a demand to increase the frequency of such meetings. The dialogue with the Court Registry and the President of the Court has been useful, too, in finding concrete solutions. Member States require more support in terms of studies on good practices and study visits to member States in order to exchange practical experiences.
15. The second challenge member States face is that the Committee of Ministers' scrutiny of adopted laws in the framework of executing judgments requires proof of impact of legislative changes (e.g. through provision of statistical data). Several member States mentioned that the collection of this type of statistics needs to be adapted for the purpose and takes time. In addition, the full criteria which will satisfy the closure of cases are not always clear to the member States. Several interviewees mentioned that the most important factors that block the effective implementation of laws are the lack of secondary laws and the related budgetary allocations which are not included in the action plans.
16. Some member States suggested that a reduction of the standard six month period for response from the ED on the action plans submitted might help to make adjustments and accelerate the submission of additional information. The recent staff reinforcement of the ED should enable it

² A note on the distinction between recommendations and suggestions: The follow-up of the 'suggestions' will be under the responsibility of each entity to which they are addressed. The DIO will report, as it regularly does, on the state of implementation of recommendations in its annual report to the GR-PBA/CM, notwithstanding the discussion that may take place on the recommendations within the framework of the roadmap for the implementation of the Brussels Declaration examined by the GR-H/CM. Any budgetary implications should be considered in the context of the preparation of the Council of Europe Programme and Budget 2018-2019.

to reduce the standard time for its responses, once the recruitments are finalised. In addition, interviews with NGOs highlighted their need to get more familiar with the process of communicating to the CM on the action plans.

17. **The evaluation report recommends:**

- a) strengthening the focus on implementation of laws in action plans for the execution of judgments by taking into account, where appropriate, the inclusion of secondary laws, regulations, budgetary resources and capacity development plans and considering to include good practice examples in the Vademecum (Directorate General of Human Rights and Rule of Law (DGI));
- b) initiating a cooperation agreement with the European Network of National Human Rights Institutions (ENNHRI) to organise seminars in member States where the possibilities for NGOs to make submissions under Rule 9.2 are explained to relevant civil society organisations and where a member of the ED or an expert in this field would be present to answer questions and for quality control (DGI);
- c) organising more regular seminars with government agents allowing for an exchange of views on issues pertinent for the execution **process** (DGI);
- d) making the Court's comparative studies or parts of them internally accessible to the Council of Europe staff, in particular the ED (Court Registry).

18. **The evaluation report suggests** to the ED and CM that CM decisions continue to include, where relevant and appropriate, references to the opportunities for support through cooperation programmes and references to other relevant sources of support (such as tools of the European Commission for the Efficiency of Justice (CEPEJ), reports of the Committee for the Prevention of Torture (CPT), the Commissioner, and opinions of the Venice Commission), including references to successful interventions and their results for the implementation of judgments.

Conclusion 2. Need to reinforce the authority and means of the government agents and to improve interaction between them

19. The evaluation led to certain findings regarding the domestic capacity for the execution of judgments. Pilot judgments examined for this evaluation have triggered the creation of ad hoc commissions and working groups that have been very effective. However, it appears that the domestic capacity to execute judgments could be further strengthened in member States. For example, for standing inter-ministerial committees, major obstacles to their work appeared to be a too large membership, which sometimes led to slow progress. Other concerns raised were sometimes the low status of the government agent and insufficient budgetary capacity.

20. All of the above is currently being examined by the Committee of Experts on the system of the European Convention on Human Rights (DH-SYSC). The DH-SYSC is expected to take stock of the implementation of the Recommendation CM/Rec(2008)2 on efficient domestic capacity for rapid

execution of judgments of the European Court of Human Rights, and make an inventory of good practices relating to it with a view to possibly updating the Recommendation.

21. The Council of Europe may envisage further lending its support to this area, while respecting the subsidiarity of member States. One format of this type of support could be the further facilitation of communication between government agents in order to promote quicker exchange of information and experience.
22. **The evaluation report recommends** to the DH-SYSC Secretariat:
 - a) establishing and, if need be, adding to the Terms of Reference of the DH-SYSC a digital communication platform for experts of DH-SYSC with a view to strengthening the exchange of information;
 - b) examining the different means to reinforce the authority of government agents and to provide sufficient means to them to deal with the execution of judgments.
23. **The evaluation report suggests** further supporting of national efforts to strengthen the capacity of government agent's offices through traineeships, seminars and secondments to the ED and through cooperation activities (DGI).

Conclusion 3. Need to bear in mind the influence of the public opinion on reforms

24. Keeping important and urgent issues of human rights and rule of law on the national agendas gives political weight to on-going activities. PACE Resolutions and reports on execution of judgments, PACE country reports produced in the framework of its monitoring procedure, as well as visits by its President and rapporteurs on the state of execution of judgments, give political support and raise awareness.
25. The same holds true for SG visits; some permanent representatives have requested more involvement of the SG for promoting the implementation of the execution of judgments. The Commissioner also has a strong awareness raising role. His recommendations are taken up by civil society and he lends political support to the ombudsperson's offices and other national human rights structures.
26. Public awareness and acceptance of certain reforms, particularly on sensitive issues such as prison conditions, require a concerted effort to raise the media profile of the above-mentioned visits through TV and radio interviews.
27. **The evaluation report suggests:**
 - a) proposing to the PACE Committee of Legal Affairs and Human Rights rapporteurs on the execution of judgments, and any other PACE rapporteurs and members, when visiting countries, to make arrangements for them to appear more frequently, in appropriate cases,

in TV and participate in public debates to promote awareness of execution of judgments (PACE Secretariat);

- b) when implementing projects, expanding and diversifying working methods to include campaigns, publications and documentaries to raise awareness of the public at large, particularly on issues related to detention and prison conditions (DGI).

Conclusion 4. Need to further support the independence of the judiciary through the field work of the judicial advisory bodies and strengthen links of steering committees with projects

28. Standards and comparative studies developed by steering committees and advisory bodies played a key role in supporting the conformity of laws and administrative measures with the ECHR at national level, particularly when it concerned the penitentiary system and excessive length of judicial proceedings. This highlights the importance of ensuring synergies between the Court and the steering committees, for instance by presenting trends observed in the ECHR case law in the steering committees which could be made in a systematic manner. Steering committees can also benefit from the standard-related outputs developed in the framework of projects if they are systematically presented to steering committees.

29. Steering committees and advisory bodies were also used as platforms of exchange of experience and good practice with members and facilitated the organisation of visits to countries. Contacts between members, for instance of the Steering Committee for Human Rights (CDDH)/DH-SYSC played a role during the execution process also in terms of obtaining information on laws and practices in other member States.

30. The evaluation showed that CEPEJ tools were much appreciated not only for collecting information on the efficiency of justice, but also for reflecting on reforms for tackling problems of length of proceedings. CEPEJ's pilot courts were praised as good practical support. Other key examples that supported national reforms were the European Prison Rules, Consultative Council of European Judges' (CCJE) opinion on alternative means to dispute settlement and Saturn guidelines.

31. The fact that the advisory bodies such as CCJE and CCPE have not been more proactive on the ground, has been criticised. Given the growing importance of the independence of the judiciary in Europe the activities of the CCJE and the Consultative Council of European Prosecutors (CCPE) should be strengthened.

32. The Venice Commission's joint opinions with the Directorate of Human Rights were important to advise particularly on laws regarding the prosecutorial systems.

33. In general, the outputs of steering committees and advisory bodies have been most effective when they were operational, widely disseminated and complemented with regular comparative studies.

34. **The evaluation report recommends:**

- a) enabling the CCJE and CCPE to conduct more needs assessment visits to the field when requested, in order to ensure adequate targeted co-operation with member States in the area of judicial independence (DGI);
- b) proposing to the CM to include in the Terms of Reference of steering committees to strengthen the interaction between standard-setting and cooperation activities.

Conclusion 5. Projects adapted to the rapid execution of judgments should be promoted and relevant funds from ordinary budget and voluntary contributions increased

35. Generally, member States have not proactively sought support from the Council of Europe in the form of projects as regards the execution of judgments. However, some examples of project support have been directly relevant and effective, such as the project which covered a group of countries to support the execution of judgments in the area of prison conditions.³

36. When support on the execution of judgments is provided to member States through cooperation programmes it is more effective when funds are flexible, can be mobilised relatively quickly and allow grouping of countries with similar difficulties. Not all funding sources satisfy these criteria. Feedback has been received that some donors, such as the Human Rights Trust Fund (HRTF) and the Swedish International Development Cooperation Agency show a more flexible approach to adapting a project to concrete needs related to the implementation of the ECHR as they arise by, for example, approving changes more quickly or welcoming new initiatives and activities not initially included in the project. This allowed designing, negotiating and implementing activities targeted to the beneficiaries' most urgent needs. On the other hand, the European Union was, in the view of several interviewees, at times less flexible and more bureaucratic in similar cases.

In addition, feedback has also been received that a substantial level of flexibility regarding the geographical dimension of cooperation activities allowing for multi-lateral interventions is very useful in addressing problems with the execution of judgments.

Therefore, it would be a significant contribution to the execution of judgments if the ordinary budget, which can more easily satisfy the criteria of flexibility, rapid reaction and possibility of multi-lateral support, would increase the specific allocations to address these issues (for instance, from the reserve for field missions or provision for action plans).

37. One area where Council of Europe projects examined in this evaluation could be strengthened is in addressing the gap between national laws that have been brought into conformity with the ECHR and their implementation. A striking phenomenon is the repeated delay in establishing institutions, mostly due to budgetary constraints. Change of mind-sets and culture are also important elements when new procedures, such as electronic monitoring or alternatives to litigation, such as mediation are introduced.

³ Project 'Execution of the European Court' judgments in the field of detention on remand and remedies to challenge detention conditions'

38. The feedback by member States highlights the need to provide more support to the operational aspects of laws. The evaluation has shown that comparative studies and exchange of good practices are effective means of supporting member States in the practical implementation of laws. This type of support could be further strengthened.

39. Projects have proven to be excellent means for integrating the work of different Council of Europe entities. They have been particularly important for supporting member States in achieving conformity with the ECHR. They are also a means of increasing formal and informal coordination within the Council of Europe and within member States. They contribute substantially to national authorities' efforts to engage in dialogue and cooperate with each other whilst also promoting the work of various Council of Europe entities such as the ED and the Venice Commission among a larger set of national authorities than these bodies traditionally interact with. Projects are also an effective means to disseminate Council of Europe standards, integrating them into national laws, strategies and capacity building efforts, and to expose national authorities to experiences of other countries. Relatively small projects with exclusive focus on strengthening national remedies, such as the project on domestic remedies for detention conditions funded by the HRTF, have had good results. In order to build on the success of projects they require **institutional support and investment**. The field offices play a major role in the success of projects. In "the former Yugoslav Republic of Macedonia", the lack of a fully-fledged project office was felt negatively. Even in those member States where field offices exist, stakeholders criticised the lack of reactivity and decision making authority on the part of field office staff.

40. Another area for improvement in cooperation activities is the communication and dissemination of outputs. While the good practices documents, guidelines, handbooks and manuals produced in the framework of project implementation have been considered extremely useful and to have a value outside the particular support activity, they are generally not known in wider Council of Europe circles.

41. **The evaluation report recommends:**

- a) that in the context of the preparation of the 2018-2019 programme and budget, priority should be given to those co-operation activities which contain a significant element of providing support to member states in areas relating to execution of judgments, in particular addressing remedies (SG and CM);
- b) developing more projects targeted at addressing specific execution problems using, if appropriate, a similar methodology as the project on the remedies for detention conditions, which grouped member States with similar issues regarding the execution of judgments. Funds should be raised for those projects (DGI/DGII/ Office of the Directorate General of Programmes (ODGP));
- c) annually defining the needs for the execution of judgments and presenting them at HRTF meetings and to other potential donors, in close cooperation among DGI and ODGP (DGI and ODGP);

- d) selecting a pilot field office with a view to seconding an A-grade staff member from the headquarters in order to liaise with national partners on progress in the execution of judgments and new ideas for projects (Directorate of Human Resources);
- e) including support to the creation and strengthening of domestic remedies for the execution of judgments in relevant cooperation activities (DGI and DGII);
- f) that Country Cooperation Action Plans better reflect the implementation of judgments in their priorities, for example, by including a related section, and provide an explanation of how projects are expected to contribute to the execution of specific judgments. Progress reports should specifically refer to the results in these areas. (DGI/DGII/ODGP).

42. The evaluation report suggests that:

- a) DGI increase the intake of seconded experts from the national authorities for the execution of judgments which provides the basis for better understanding and cooperation, in particular with Government agents;
- b) new approaches be explored to provide more continuous support to the national authorities on issues related to the execution of judgments, such as staff from Headquarters be seconded to the field for this purpose, including to those countries where there are no projects implemented;
- c) The Secretariat of the Council of Europe Development Bank brings to the attention of the CEB Organs and CEB member States the need to consider the alignment of the financing with the needs of the execution of judgments in the priorities of country cooperation programmes and Cooperation Action Plans;
- d) Project managers:
 - i. Involve government agents and where relevant ombudsperson's offices when designing projects.
 - ii. Include systematically support for the development of secondary laws, regulations and administrative measures when providing legislative expertise as well as translation of pertinent judgments and case law of the Court.
 - iii. Project managers respect key milestones in the execution process, and therefore seek information about the results of the Ministers Deputies' Human Rights meetings.
 - iv. For key events (conferences at the opening and closing phases of projects) invite important decision-makers who play a role in the process of the execution of judgments who are not part of the project steering committee (such as staff of the Ministry of Finance, national parliaments and ombudspersons) .
 - v. In the closing stage of the projects, organise internal Council of Europe seminars in Strasbourg with participation of the Court Registry, the ED, the Office of the Commissioner, secretariats of steering committees and monitoring bodies to present and discuss project results.
 - vi. Present more systematically results of cooperation activities to relevant steering committees.

Conclusion 6. Need to strengthen the Council of Europe institutional link with law enforcement officials to better combat ill-treatment and impunity

43. For various reasons Council of Europe support for improving prison conditions has been more visible and effective than its support for combating ill-treatment by and impunity of law enforcement agents/offices. The monitoring activities of the CPT produce regular reports on prison conditions featuring recommendations to the member States. The Council for Penological Co-operation, a subordinate body to the European Committee on Crime Problems deals with standards in this area. Concerning police work, there is no specific monitoring, except the CPT which covers treatment and conditions of persons deprived of their liberty by the police (typically: police custody). There is no standard-setting body to assess the situation regularly and to make recommendations on how to address ill-treatment and impunity. As there is no committee addressing ill-treatment by and impunity of law enforcement agents/offices, it is also difficult to establish links with international and European networks in this area.

44. There are quite a few projects concerning detention conditions and prison reform which are very focussed such as the project on domestic remedies for detention conditions funded by the HRTF and the projects financed by the Norway funds. However, among the countries selected for this evaluation, only a few projects focussed on ill-treatment and impunity, and if they did, they were within larger projects on criminal justice which targeted mainly ministries of justice (except the Joint Programme ‘Capacity Building of the Law Enforcement Agencies for Appropriate Treatment of Detained and Sentenced Persons’ in “the former Yugoslav Republic of Macedonia” which worked directly with the Ministry of Interior).

45. **The evaluation report recommends** that DGI identifies the main problems related to law enforcement based on the Court’s case law, CPT reports, applications to the Court and cases pending execution with a view to addressing these issues through the creation of a high-level regular forum of police representatives (DGI⁴).

Conclusion 7. Need to strengthen co-operation with ombudsperson institutions, parliamentarians and mainstream ECHR in law faculties and initial and continuous training of law enforcement personnel and personnel dealing with those deprived of their liberty

46. Several entities of the Council of Europe are involved in capacity building and awareness raising activities, often as part of projects. It is crucial to coordinate these efforts well and ensure their complementarity.

⁴ DGI accepted this recommendation if provided with additional resources and the expressed wish of high level police representatives from member states for such a forum.

47. The Human Rights Education for Legal Professionals programme is one major intervention; following a separate evaluation by the Directorate of Internal Oversight it is undertaking strategic improvements.
48. The **secondments and placements to the Court Registry and the ED** and study visits as well as placements in several Council of Europe entities help to bring about a change of mentality and a deeper understanding of how the various Council of Europe institutions work. Not all member States have sufficient funds for organising such visits and placements and would require support. Concerning the visiting groups, the Court should encourage the participation of courts from outside the capitals as well as staff from international departments of the judiciary, the ministries of justice and internal affairs, encouraging gender balance in doing so.
49. The **cooperation of the Council of Europe with the Ombudsperson's institutions** which are of great importance for strengthening domestic remedies, in particular, in the area of detention conditions, is highly appreciated. In the past, the Commissioner engaged in cooperation and assistance activities. The responsibility for these activities was transferred in 2009 to DGI which was better equipped for technical cooperation. Co-operation is currently developed with the ombudspersons from European Union member states and is financed by the European Union. Some of the ombudspersons that do not come from European Union member states have been left out for budgetary reasons. This is a significant gap in the Council of Europe's outreach to its member States.
50. **PACE's training** of legal officials of the parliaments and study visits for parliamentarians have contributed to raising awareness of the importance of screening laws to ensure conformity with the ECHR and to establish supervision of the execution of judgments by the parliament. These capacity building efforts are quite recent and require more financial support to improve their outreach.
51. An important issue that has come up regularly is that the ECHR is not sufficiently mainstreamed into the continuous professional training and the university law faculties. The CDDH has been tasked by the Committee of Ministers to submit a proposal regarding Recommendation Rec(2004)4 on the Convention in university education and professional training, along with the development of guidelines on good practice in respect of human rights training for legal professionals. This work could lead to strategic involvement with the providers of initial and continued training for legal professionals in the member States. In addition, the agenda of the Council of Europe high-level visits to member States should include university law faculties. This would contribute to promoting awareness of the ECHR and the importance of integrating it into the curricula.
52. The HUDOC database plays an important part in increasing awareness and understanding of the Court's case law in general. It is used widely but could benefit from a thematic index more adapted for users with less advanced knowledge of the Convention and thematic factsheets on more specific issues as well as translation into more languages.
53. **The evaluation report recommends** to the DH-SYSC CDDH / DGI and HELP: When submitting proposals to the CM regarding a possible update of the Recommendation Rec(2004)4 on the

Convention in university education and professional training, to consider collecting comparative country information and good practices on:

- a) Mainstreaming the ECHR into law faculties, including into initial training of legal professionals, by for example developing standards for curricula for initial training,
- b) Mainstreaming the ECHR into initial and continuous professional training of law enforcement personnel and personnel dealing with persons deprived of their liberty.

54. **The evaluation report further recommends:**

- c) strengthening of the support to national parliaments in setting up structures supervising the execution of judgments and ensuring compliance of draft legislation with the ECHR as well as strengthening awareness of parliamentarians and officials of the ECHR (PACE Secretariat);
- d) creating a more intuitive thematic index for HUDOC and 'thematic factsheets' on specific issues (Court Registry);
- e) establishing a network of ombudsperson institutions covering all Council of Europe member States (DGI).

55. **The evaluation report suggests that:**

- a) the private offices of the SG, the Court president, the Office of the Commissioner and the secretariat of PACE preparing rapporteurs country visits to include, whenever possible, university law faculties in the agenda of their visits;
- b) the Secretariat of PACE proposes to PACE rapporteurs to invite government officials to their hearings with national delegations concerning the execution of judgments;
- c) projects with training components include, where relevant, visits to the Court which encompass judges from outside the capitals and general prosecutors and police inspectorates.

Conclusion 8. Need to facilitate mobility for greater internal synergies

56. The European Convention System (ECS) is wider than the Court and the CM's supervisory role. It has been found that while in most cases only a concerted effort of the above entities leads to results, the principle of mutual responsibility for results is still not entirely part of the organisational culture. Productive synergies leading to significant outcomes have been observed between entities where mobility of staff members has taken place. It has allowed staff members to be exposed to the work of other parts of the organisation but also to bring in innovative input into the work of those entities. Most staff members interviewed felt that mobility should be encouraged.

57. Increased staff mobility could potentially require an adaptation of current Human Resources policies and pertinent training for staff. It should also be noted that not all entities lend themselves equally well to job exchanges.

58. **The evaluation report recommends to the** Directorate of Human Resources to facilitate mobility in the Council of Europe, through for example job exchanges and internal secondments and

the creation of a web based platform providing information about such opportunities, to make mobility easier within the limits of continuity and functionality within entities, and to examine the possibility to create incentives for mobility.

The evaluation of the effectiveness of the Council of Europe support to the implementation of the ECHR at national level was conducted in order to contribute to the implementation of the Declaration and Action Plan adopted at the High-Level Conference on the 'Implementation of the European Convention on Human Rights, our shared responsibility', held in Brussels on 26-27 March 2015. Its purpose was to assist the Secretary General in his preparation of proposals to the Committee of Ministers (CM) on how the delivery and the effectiveness of Council of Europe support to the member States in their efforts to implement the ECHR can be improved.

The evaluation found that while the procedure for the supervision of the execution of judgments of the European Court of Human Rights has become more transparent and efficient, there is still a need for the CoE to strengthen its support to building national capacity (including capacity of civil society) in this area.

The CoE intergovernmental work and the monitoring activities are perceived by the national authorities as important and influential. Further strengthening of the practical application of CoE's strategic triangle of standard-setting, monitoring and cooperation can be achieved through increased interaction between them, increased focus on execution of judgments in cooperation activities and encouragement of internal staff mobility.

The evaluation also showed that the Council of Europe produces a wealth of information, which is not always easy to access. Promoting access to and exchange of information in the area of the execution of judgments of the European Court of Human Rights is critical in order to raise the impact of CoE's work.

There is also a need to strengthen the CoE's capacity for rapid and flexible responses to arising needs by diversifying funding sources for cooperation and further strengthening the field presence.

Finally, the cooperation activities conducted in the thematic areas examined have been effective; however, the CoE's outreach to certain groups of national stakeholders such as police authorities, ombudsperson institutions and staff of national parliaments should be strengthened.

<http://www.coe.int/fr/web/internal-oversight/dio>

www.coe.int

Le Conseil de l'Europe est la principale organisation de défense des droits de l'homme du continent. Il comprend 47 États membres, dont les 28 membres de l'Union européenne. Tous les États membres du Conseil de l'Europe ont signé la Convention européenne des droits de l'homme, un traité visant à protéger les droits de l'homme, la démocratie et l'État de droit. La Cour européenne des droits de l'homme contrôle la mise en œuvre de la Convention dans les États membres.