Exploring theory-generating expert interviews: implementing ECtHR judgments by local and regional authorities

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Abstract.
This conference paper explores the methodology and findings of a survey conducted to gather insights on the implementation of European Court of Human Rights (ECtHR) judgments by local and regional authorities. The study employs a combination of email and face-to-face interviews to collect data from specialists in human rights and municipal issues. The paper discusses the rationale behind the survey methods, including the advantages and challenges of each approach. It also presents the survey questions and outlines the selection criteria for participants. The findings shed light on the perceptions and recommendations of experts regarding the involvement of local and regional authorities in upholding human rights standards. The paper concludes with implications for policy and practice in promoting human rights at the local level.

Keywords:
European Court of Human Rights (ECtHR) Implementation Local and Regional Authorities Human Rights Survey Methodology Face-to-face Interviews Email Surveys Specialist Participants Municipal Issues, Policy Implications

1 Funded under the EU’s Marie Skłodowska-Curie Actions «MSCA4Ukraine» (individual project ‘The role of local authorities in the implementation of the judgments of the European court of human rights’).
This conference paper consists of several parts, providing comprehensive information about the preparations I’ve undertaken to initiate the interviews aimed at verifying some of my project’s results\(^2\). Given the novelty of this topic, there is an evident lack of theoretical foundation. While the method of legal analogy can be helpful, it is not sufficient on its own. To enhance the robustness of my argumentation, conducting interviews appeared to be essential.

In the first part of the paper, I provide general information relevant to the survey results, which also carries methodological significance.

In the second part, I share the questionnaires designed for the survey participants.

These interviews are intended to generate theories regarding the implementation of ECtHR judgments by local and regional authorities, addressing the theoretical gaps in this emerging field and ensuring a more grounded and persuasive analysis.

1. General part.

The expert interviews will focus on local and regional authorities, specifically the local self-government (municipal) bodies in accordance with the Council of Europe's definition\(^3\).

The expert interviews will be problem-centered, with two

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\(^2\) The focus of this survey centers on 'The role of local and regional authorities in the implementation of ECtHR judgments: exchanging expertise and generating theory.' The survey employs theory-generating expert interviews to foster discussion, strengthen, and develop theoretical approaches. The outcomes of these interviews will be meticulously summarized and utilized, adhering to the provisions outlined in EU legislation concerning data ethics, including depersonalization measures. This data will contribute to the individual project led by Professor Natalia Mishyna titled 'The role of local authorities in the implementation of judgments from the European Court of Human Rights.' This project receives funding through the EU's Marie Skłodowska-Curie Actions 'MSCA4UKraine,' conducted by the University of Strasbourg, France, with secondments at Nantes University, France.

\(^3\) Local Authorities: Entities with legal personality, as defined by the domestic law of member states. They exercise specific public functions and serve the interests of the local population. Regional Authorities: Entities with legal personality, defined by the domestic law of member states. They exercise specific public functions and serve the interests of the regional population.
distinct groups of experts receiving different questionnaires designed to approach the topic from two perspectives:
- group 1: Going from international to local/regional level. Specialists with expertise in the execution of ECtHR judgments will explore the survey topic from an international level down to the local and regional levels;
- group 2: Going from local/regional to international (ECtHR) level. Specialists with expertise in local government will examine the survey topic from a local and regional level up to the international (ECtHR) level.

The questionnaire for ECtHR execution specialists takes a 'downgoing' perspective, considering how the local government could benefit.

Conversely, the questionnaire for local government specialists adopts an 'upgoing' perspective, exploring how the ECtHR could benefit.

This approach aims to create a win-win situation, emphasizing cooperation methods that align with the interests of both local government and the ECtHR.

Aims of the Survey. Given the innovative nature of the topic, the survey aims to:
- obtain information and opinions for conducting a comparative analysis of the practices of executing ECtHR judgments at the local and regional levels to identify best practices and potential constraints;
- obtain information and opinions for conducting a comparative analysis of the practices of implementing ECtHR judgments at the local and regional levels to identify best practices and potential constraints.

Survey Participants. The surveyed individuals will include 14-16 participants, evenly divided into two categories:
- specialists working with human rights, specifically involved in the execution of ECtHR judgments (7-8 specialists).
- specialists in municipal issues (7-8 specialists).

The number of participants is not final and may be modified based on the results achieved.

Objectives of the Survey:
- obtain a comprehensive understanding of both positive
practices and potential challenges regarding the involvement of local and regional authorities in human rights protection at the local level;
- identify the extent of involvement of local and regional authorities in the execution of ECtHR judgments;
- determine the system of actions that should be implemented at the state and local levels to engage local authorities in the implementation of ECtHR case law.

Survey Research Methods. The planned research employs a combination of email and interview survey methods, each offering distinct advantages and challenges.

Email Surveys. The email survey method, where respondents independently complete the questionnaire, stands out as the most cost-effective and efficient means of data collection. The lack of intermediary contact enhances the likelihood of obtaining truthful information, especially on sensitive topics. However, this approach may lead to a high percentage of questionnaire rejections and errors due to potential misunderstandings.

Interviews. On the other hand, the interview method, where I conduct face-to-face interviews (online or in person) and record respondents' answers, offers a more qualitative approach to data collection. This method minimizes the chances of incorrectly filled out questionnaires and omitted questions, encourages higher survey participation, and ensures adherence to sample parameters. Nevertheless, this method requires more human resources and is comparatively more expensive. While the presence of an interviewer increases the likelihood of obtaining truthful responses to sensitive questions, it necessitates careful monitoring of the interviewer's work.

After each interview, I will create a short summary (one A4 page maximum) and send it to the participant via email to verify the accuracy of the recorded information. This verification process ensures the validity of the collected data.

Using the survey results and adhering to the principle of confidentiality, databases will be created, encompassing respondents' answers to the survey questions. These databases will play a crucial role in the research process, serving as one of the methods to verify the formulated conclusions and
proposals derived from the research outcomes. This combined approach aims to produce reliable and comprehensive insights, contributing significantly to the theoretical foundation and practical understanding of implementing ECtHR judgments by local and regional authorities.

The results of the survey. Based on the results of the survey, the analytical report will be created.

Proposed structure of the report:
- introduction;
- methodology;
- main results (in the form of the tables, question by question);
- conclusions and recommendations.

Introduction. This section provides a concise overview of the survey's purpose, outlining its objectives and offering general insights into the researched topic.

Methodology. In this section, details about the survey are elucidated, encompassing the survey duration, the methodology employed for data collection, the survey tools utilized, and key characteristics defining the expert sample chosen for participation.

Main Results. This section displays the findings in a structured tabular format, offering a clear and organized presentation of the primary outcomes obtained from the survey.

Conclusions and Recommendations. Within this concluding section, the report synthesizes key conclusions drawn from the survey results and provides actionable recommendations based on the insights gained.

Survey Toolkit. The survey toolkit comprises 2 questionnaires and a table for clarification response notes (in case a question requires further clarification).

Each questionnaire consists of:
- 1 dichotomous question (these questions can be answered with a "yes" or "no");
- 8 (9) open-ended questions, to which respondents provide answers in a free-form manner.

These questions are categorized into three blocks:
- characteristics of the respondent based on the level of expertise and qualifications in the chosen field;
- questions about the execution of the ECtHR judgments by the local and regional levels to identify best practices and potential constraints;

- questions about the implementation of the ECtHR case law at the local and regional levels to identify best practices and potential constraints.

2. Practical materials for the survey.

I have created drafts of the questionnaires for the face-to-face interviews. The section titled ‘Introduction’ can either be sent via email beforehand or announced at the beginning of the meeting. The text is as follows:

‘Welcome to our survey on 'The role of local and regional authorities in the implementation of ECtHR judgments: exchanging expertise and generating theory.' Your valuable insights are crucial to our theory-generating expert interviews, aimed at fostering discussion and developing theoretical approaches.

The results of these interviews will be meticulously summarized and used in accordance with EU legislation on data ethics, ensuring depersonalization measures are strictly adhered to. This data will contribute to Professor Natalia Mishyna's individual project, 'The role of local authorities in the implementation of judgments from the European Court of Human Rights,' funded through the EU’s Marie Skłodowska-Curie Actions 'MSCA4Ukraine,' conducted by the University of Strasbourg, France, with secondments at Nantes University, France.

You have been selected because:
- your expertise in human rights and specific involvement in the implementation of ECtHR judgments.
- your specialization in municipal issues and your role in local and regional authorities.
- your valuable experience in legal matters and the execution of court decisions.
- your insights into the workings of local and regional authorities, contributing to the broader understanding of the survey topic).

To ensure the accuracy of our data, I will take detailed notes during our conversation. Following the interview, I will send you a summary of our discussion (one A4 page...
maximum) for your review and verification. This step is crucial to ensure that your views and statements are accurately represented.

Your participation in this survey is essential, and we want to assure you that all responses will be treated confidentially, with individual answers anonymized to protect your privacy. The insights gathered will significantly contribute to advancements in understanding and implementing ECtHR judgments at the local and regional levels. Should you have any questions or concerns at any point, please feel free to reach out to us at xxx@gmail.com. We deeply appreciate your time, expertise, and commitment to advancing our collective understanding in this crucial field.

Thank you once again for your time and contribution. I look forward to our discussion.

Best regards'.

This introduction sets the stage for the interview, explaining the purpose, process, and confidentiality of the survey, ensuring participants are well-informed and comfortable.

I give both questionnaires in the appendixes 1 and 2 to this conference paper.

The actual conclusion of the paper is yet to be written - based on the summary of the interviews. I’m thankful in advance to everyone who will participate!

Appendix 1

QUESTIONS
(for the specialist in HUMAN RIGHTS IN GENERAL, AND PARTICULARLY WITH THE IMPLEMENTATION (EXECUTION) OF ECtHR JUDGEMENTS)

I. Execution of ECtHR Judgements
Can you highlight cases with positive practices where local and regional authorities successfully participated in the execution of ECtHR judgement(s)?
Are there specific areas or types of cases where you believe it would always be beneficial for local and regional authorities to participate in the execution?
What might the role of local/regional authorities be
regarding "general measures?"

**II. Implementation of ECtHR Case Law**

Can you highlight cases with positive practices where local and regional authorities successfully participated in the implementation of the European human rights standards using the ECtHR case law?

Do you consider the idea of local and regional authorities participating in the implementation of the European human rights standards using the ECtHR case law (when relevant) to be up-to-date and feasible after its legitimization?  
(Yes – No)  
If you answered 'Yes':  
Would you recommend introducing a new document or amending existing ones, and at what level should this legitimization occur?  
Follow-up Question:  
How do you think local and regional authorities can actively contribute to the promotion of human rights at the local level, incorporating the provisions of ECtHR case law?  
If you answered 'No':  
What are the 2-3 main negative features of such an idea?  
Thank you for sharing your expertise. As we conclude this survey, is there any additional insight or key aspect related to this topic, that you believe is crucial for us to consider? Your input is highly valuable, and we appreciate your time and expertise.

*Appendix 2*

**QUESTIONS**

*(for the specialists WHO MOSTLY WORK WITH THE LOCAL AND REGIONAL GOVERNMENT IN GENERAL)*

**I. Execution of the ECtHR judgements.**

Can you highlight cases with positive practices where local and regional authorities successfully participated in the execution of ECtHR judgement(s)?

Are there specific areas or types of cases where you believe it would always be beneficial for local and regional
authorities to participate in the execution? What might the role of local/regional authorities be regarding "general measures?"

In your opinion, do municipal legal departments or legal advisors have the capability to contribute to the successful execution of ECtHR judgements independently, or do they need external assistance?

II. Implementation of the ECtHR case law.

How can local and regional governments contribute to creating a culture of respect for human rights, particularly in the context of ECtHR judgments?

Do you think that, at the local level, there is more potential for implementing human rights standards (particularly based on the ECtHR case law) with mostly representative bodies or executive bodies of local self-government?

Do you think offering training to municipal officials and legal professionals on ECtHR-related matters is a valuable idea?

(Yes - No)

If you answered 'Yes':

Would you recommend introducing a new document or amending existing ones, and at what level should this legitimization occur?

Follow-up Question:

How do you think local and regional authorities can actively contribute to the promotion of human rights at the local level, incorporating the provisions of ECtHR case law?

If you answered 'No':

What are the 2-3 main negative features of such an idea?

Thank you for sharing your expertise. As we conclude this survey, is there any additional insight or key aspect related to this topic, that you believe is crucial for us to consider? Your input is highly valuable, and we appreciate your time and expertise.