

Establishment: January 21, 1959

President: Dean Spielmann (elected September 2012)

Areas of Work: Human Rights, International Law

Areas of Cooperation with the OAS: Human Rights

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BACKGROUND

The European Court of Human Rights was instituted in Strasbourg, France by the Council of Europe Member States in 1959 in order to deal with alleged violations of the 1950 European Convention on Human Rights.

Its function is "to ensure the observance of the engagement undertaken" by the States Parties in relation to the Convention and its protocols. The accession of new states to the European Convention on Human Rights following in 1989 led to a sharp increase in applications to the Court, precipitating a reform of its internal processes as pending applications accumulated.

The "new" Court was set up following the entry into force of Protocol No. 11 to the Convention on 1 November 1998. A single system was thus brought into existence allowing 800 million Europeans to apply directly to an international court if they considered themselves victims of a violation of their fundamental rights.

States Parties agreed to reform the Court and in May 2004 the Council of Europe Committee of Ministers adopted Protocol no.14 to the European Convention on Human Rights, which aims to guarantee the long-term efficiency of the Court by optimizing the filtering and processing of applications.

The jurisdiction of the Court broadly divides into:

- Inter-state cases;
- Applications by individuals against contracting states (which constitute the majority of cases heard by the Court); and
- Advisory opinions.

The plenary Court elects the President, who directs the work and administration of the Court, represents the Court and is responsible for its relations with the authorities of the Council of Europe.

Judges sit in Committee of three judges, Chambers of seven judges and a Grand Chamber of 17 judges to perform jurisdictional functions.

The Registry provides legal and administrative support to the Court in the exercise of its judicial functions. It is therefore composed of lawyers, administrative and technical staff and translators. There are currently some 640 staff members of the Registry, who are also staff members of the Council of Europe, and are subject to the Council of Europe's Staff Regulations. Its principal function is to process and prepare for adjudication applications lodged by individuals with the Court.

The Court's budget for 2011 amounted to €58.960.100. This covered Judges' remuneration, staff salaries and operational expenditure (information technology, official journeys, translation, interpretation, publications, representational expenditure, legal aid, fact-finding missions. etc). It did not include expenditure on the building and communications infrastructure.

The budget of the European Court of Human Rights is part of the general budget of the Council of Europe. As such, it is subject to the approval of the Committee of Ministers of the Council of Europe in the course of their examination of the overall Council of Europe budget. The budget of the Council of Europe for 2012-2013 is €383,576,300, roughly equivalent to \$492 million US dollars, nearly half of which is devoted to its work on Human Rights.

The jurisdiction of the Court has been recognized by 47 European states. Most of the States Parties to the European Convention on Human Rights have incorporated the Convention into their own national legal orders, either through constitutional provision, statute or judicial decision.

In 2011 the Court delivered a total of 1,157 judgments, compared with 1,499 judgments delivered in 2010. In fact, in 2011 a greater number of applications were resolved by a decision. In 2011, 46.6% of all judgments delivered by a Chamber were categorized as being of high or medium importance in the Court's case law database.

It is important to note that the European Court of Human Rights is not related to the Court of Justice of the European Union.

PRESIDENT OF THE EUROPEAN COURT OF HUMAN RIGHTS



Dean Spielmann has been a judge at the European Court of Human Rights since 2004, where he was elected Section President in 2010 and Vice-President of the Court in 2012, before being elected President of the Court in September 2012.

Dean Spielmann studied at the Catholic University of Louvain (Belgium) and Fitzwilliam College, Cambridge (United Kingdom). He became a member of the Luxembourg Bar in 1989. As a lawyer he worked in various fields, including administrative law, civil and criminal law and human rights law. He acted as Counsel in a number of cases before the Commission and Court of Human Rights in Strasbourg. He was also a member of the Bar Council and the Disciplinary and Administrative Council of the Legal Profession, as well as sitting on various committees of the Council of Bars and Law Societies of Europe (CCBE).

Dean Spielmann has also been a member of the European Union Network of Independent Experts on Fundamental Rights and the Advisory Commission on Human Rights of Luxembourg, has taught at the universities of Louvain Luxembourg and Nancy (France) and is a certified member of the Grand-Ducal Institute.

THE REGISTRY

The Registry of the Court has the mandate to assist the Court on legal and administrative issues, which allows the Court to better fulfill its judicial functions.

The Registry is composed of lawyers, administrative and technical staff and translators who as a whole provide prime assistance to the Court. This body employs over 640 staff members, 270 lawyers, and 370 other staff, all under the authority of the Council of Europe. Staff members of the Registry must first and foremost adhere to the principles of independence and impartiality that are vital components of the Court's status.

Article 26 (e) of the Convention stipulates that the Head of the Registry (the Registrar) must be elected by the Plenary Court and answers to the President of the Court as stated in the Convention. The principal function of the Registry is to process and prepare for adjudication applications lodged by individuals with the Court.

MEETING WITH THE INTER-AMERICAN COURT OF HUMAN RIGHTS

On 9 November 2011, Sir Nicolas Bratza, President of the Court, received Diego García Sayán, President of the Inter-American Court of Human Rights. Erik Fribergh, Registrar, also attended the meeting. During this exchange, Judge Bratza addressed the issues of the reduction of the caseload of the European Court of Human Rights through rejection of inadmissible and/or repetitive cases as well as the shared responsibility of the States and the Court concerning a broader respect for human rights.

Judge Sayán alluded to the weaknesses and strengths of the Inter-American Court of Human Rights, such as a budget that is twenty times smaller than its European counterpart, resulting in a shortage of human and economic resources.

It was decided to reflect on the possibility of holding joint training sessions for jurists as well as annual meetings between representatives from both institutions in order to exchange experiences regarding their most important cases.

MEETING OF DELEGATION FROM THE ECHR WITH OAS OFFICIALS

On February 29, 2012, a delegation from the European Court of Human Rights (ECHR) headed by its President, Sir Nicolas Bratza, met with the Chair of the Permanent Council as well as high-level officials from the OAS and the Inter-American Commission on Human Rights (IACHR) and representatives from the Permanent Observer Missions of France, Italy and Spain. The purpose of the meeting was to explore areas for cooperation between the ECHR, the OAS, the IACHR and the Inter-American Court of Human Rights.

Judge Nicolas Bratza stated that no court or commission is as important for the ECHR as the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights. He lamented that the caseload of the ECHR continues to increase at a very high rate, pointing out that even after the implementation of Protocol 41, which has helped to streamline the case management process, namely by weeding out inadmissible cases, the ECHR still has around 150,000 pending cases at this time. He took pride in the fact that the majority of cases are resolved through settlement, which often includes a unilateral acknowledgement by the defendant government for the violation committed, as well as satisfactory compensation or restitution as the case may be.

Following the meeting, Judge Bratza addressed the Permanent Council of the OAS and met with officials from the IACHR.

ANNUAL MEETINGS AND HIGH LEVEL CONFERENCES

The High Level Conference on the Future of the European Court of Human Rights meeting at Interlaken on 18 and 19 February 2010 at the initiative of the Swiss Chairmanship of the Committee of Ministers of the Council of Europe stressed the need for effective measures to reduce the number of clearly inadmissible applications, the need for effective filtering of these applications and the need to find solutions for dealing with repetitive applications. It also adopted an Action Plan as an instrument to provide political guidance for the process towards long-term effectiveness of the Convention system, calling upon the States Parties to commit themselves to: increase (in co-operation with national human rights institutions or other relevant bodies) the awareness of national authorities of the Convention standards and to ensure their application; and to fully executing the Court's judgments, ensuring that the necessary measures are taken to prevent further similar violations.

The 120th session of the Committee of Ministers convened in Strasbourg on May 11, 2010. Ministers of Foreign Affairs and representatives of the 47 member states of the Council of Europe adopted decisions following-up on the Declaration and Action Plan adopted at Interlaken in February 2010 on the future of the European Court of Human Rights, intended to make the supervision of executions of Court judgments more effective and transparent.

The High Level Conference on the Future of the European Court of Human Rights organized within the framework of the Turkish Chairmanship of the Committee of Ministers of the Council of Europe in Izmir, Turkey on April 26 – 27, 2011, reaffirmed the States Parties' attachment to the right of individual petition as a cornerstone of the Convention mechanism and considered that appropriate measures must be taken rapidly to dissuade clearly inadmissible applications, without, however, preventing well-founded applications from being examined by the Court, and noted that new provisions concerning filtering should be put in place

The 121st session of the Committee of Ministers convened in Istanbul, Turkey, on May 11, 2011, centered on the reform of European institutions, including the outcome of the Conference of Izmir on the reform of the European Court of Human Rights and a more effective supervisory mechanism for the European Convention on Human Rights.

The winter session of the Parliamentary Assembly was held on January 23-27, 2012 in Strasbourg, France, at the headquarters of the Council of Europe.

SOURCES

- [European Court of Human Rights Official Webpage](#)

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