Bringing the Convention home

2020
Bringing the Convention home

2020 saw the launch of the Ukrainian user interface of the HUDOC case-law database, a continued increase in the number of partners translating Court materials and further development of the Knowledge Sharing platform with a view to launching a fully external version.

In line with the conclusions of the Interlaken, İzmir, Brighton, Brussels and Copenhagen Conferences, the Court’s knowledge-sharing and case-law translation programmes are designed to improve the accessibility to and understanding of key Convention principles and standards at national level, in order to give full expression to the principle of subsidiarity, which will be inserted in the Preamble to the Convention when Protocol No. 15 comes into force.

The 130th session of the Committee of Ministers of the Council of Europe, held on the occasion of the 70th anniversary of the Convention on 4 November, underlined the importance of the dialogue between the Court and national courts. It further called upon all States Parties to give full effect to the principle of subsidiarity by complying with their obligations to secure to everyone within their jurisdiction the rights and freedoms defined in the Convention, to abide by the judgments of the Court rendered against them, to ensure the promotion and effective implementation of the Convention, and to translate and disseminate the Court’s case law at national level.1

The Court works with the member courts of the Superior Courts Network (SCN, over ninety courts from forty States), as well as with

multiple additional partners who all share the objective of disseminating Convention standards, with a view to improving their implementation at national level. This year a series of webinars took place within the SCN in order to intensify dialogue between the Court and the domestic judiciaries (see Chapter 3).

The year also saw the further development of the Knowledge Sharing platform with a view to making it available in a fully external version as soon as feasible. In the meantime, the Court’s website continues to offer a wealth of materials such as regularly updated case-law guides which cover an ever-expanding range of Convention Articles and transversal topics; a biannual overview of the most significant developments in the Court’s case-law; thematic handbooks and factsheets; video-talks explaining its case-law in matters such as terrorism and asylum; as well as a methodological guide on how to make optimal use of the available materials.

With the help of its various partners the Court continued to ensure the translation of judgments, decisions and case-law publications into languages other than its official ones (English and French). 2020 saw a continued increase in the number of such partnerships: the new Ukrainian user interface for the HUDOC database will facilitate case-law searches for legal professionals working in that language.

**DISSEMINATION OF THE COURT’S CASE-LAW**

**Selection of key cases**

The Bureau of the Court identifies those judgments and decisions it considers to be of particular importance for each quarter, for example because they make a significant contribution to the development of the Court’s case-law, deal with a new problem of general interest or entail a new interpretation or clarification of principles. Cases in this category will always be made available in both official languages. The selected cases can be found either by referring to the quarterly and annual lists available on the Court’s website or by selecting “Key cases” under the “Importance” filter in HUDOC.

**The HUDOC case-law database**

2020 saw the welcome launch of the Ukrainian user interface of the Court’s HUDOC site (hudoc.echr.coe.int), a project developed in

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2. Under Case-law/Judgments and decisions/Selection of key cases/Key cases.
3. FAQs, manuals and video tutorials on HUDOC are available on the Court’s website under Case-law/Judgments and decisions/HUDOC database.
cooperation with the Ukrainian Ministry of Justice. HUDOC-ECHR now exists in a total of seven languages (English, French, Georgian, Russian, Spanish, Turkish and Ukrainian). The development of a Bulgarian interface is well under way and further language versions are under consideration. The number of HUDOC-ECHR visits increased by 22.6% in 2020 (5,538,216 visits compared with 4,516,395 visits in 2019).

The Registry also joined forces with the EU Fundamental Rights Agency (FRA) by making HUDOC documents and metadata available through FRA’s human rights gateway, EFRIS (EU Fundamental Rights Information System), which provides one-stop access to databases tracking EU member States’ acceptance of human rights treaties, as well as compliance assessments by various monitoring mechanisms.

The launch of HUDOC-GREVIO (Group of Experts on Action against Violence against Women and Domestic Violence) brought the total number of HUDOC sites to nine.

Case-law translations programme

The Registry continued its efforts to improve the understanding of Convention principles and standards in those member States where neither of the Court’s official languages is sufficiently understood.

The Registry maintains a standing invitation to courts, ministries, judicial training centres, associations of legal professionals, non-governmental organisations and other partners to offer, for inclusion in HUDOC, any case-law translations to which they have the rights.

The Registry also references, on the Court’s website, third-party websites or databases hosting translations of the Court’s case-law, and welcomes suggestions for the inclusion of further sites of this kind.4

The Court’s various partners continue to support its work and the implementation of the Convention at national level by offering to translate select judgments, decisions and advisory opinions as well as publications, factsheets, legal summaries, country profiles and the like. These are then shared with the Court so as to be made available either on its website or in HUDOC. By way of example, some sixty translations of case-law guides, handbooks and research reports were published in 2020.5

4. More information can be found on the Court’s website under Case-law/Judgments and decisions/Case-law translations/Existing translations/External online collections of translations; scroll down to see the list of third-party sites.
5. Some seventy translations remained pending at the end of 2020 (for a complete list see the online table at www.echr.coe.int/Documents/Translations_pending_ENG.pdf). Publishers
In addition, some 32,000 in thirty-one languages other than English and French have now been made available in HUDOC – nearly 20% of its total content – making it the first port of call for legal professionals across Europe and beyond. The language-specific filter allows for rapid searching of these translations, including in free text.

By proposing or outsourcing materials for translation, the Registry also lends its support to the implementation of Council of Europe Action Plans for specific member States, as well as to the implementation of joint Council of Europe-EU programmes and projects building capacity at national or regional level.

Finally, the Court continued to work with other sectors of the Council of Europe to accompany reforms, in particular in Morocco and Tunisia, as part of the Council of Europe’s Neighbourhood Partnerships (2018-21), South Programme III (2018-2020) as well as in cooperation with the Council of Europe’s programme, Human Rights Education for Legal Professionals (HELP).

OTHER PUBLICATIONS AND INFORMATION TOOLS
Jurisconsult’s Overview of the case-law
The Jurisconsult’s Overview of the case-law provides valuable insight into the most important judgments and decisions delivered by the Court each year, setting out the salient aspects of the Court’s findings and their relevance to the evolution of its case-law. The annual version of the Overview can be consulted in this Annual Report. Both the annual and interim versions (the latter is published halfway through the year) can also be downloaded separately from the Court’s website.

Case-law guides and research reports
The Directorate of the Jurisconsult published five new Article guides covering Article 10 (Freedom of expression); Article 12 (Right to marry);
Article 14 and Article 1 of Protocol No. 12 (Prohibition of discrimination); Article 46 (Binding force and execution of judgments); and Article 1 of Protocol No. 7 (Procedural safeguards relating to expulsion of aliens). In addition, two further thematic guides were launched, on mass protests and prisoners’ rights, and existing guides were regularly updated.

The Directorate also published five research reports on the Court’s case-law covering the following subjects: a State’s “jurisdiction” for the acts of its diplomatic and consular agents (Article 1); the “quality of law” requirements and the principle of (non-)retrospectiveness of the criminal law (Article 7); application of Islamic law in the domestic legal order (Article 9); expression and advertising of political positions through the media/Internet in the context of elections/referendums (Article 10); and victim status of company shareholders in relation to measures affecting their companies or their shares (Article 1 of Protocol No. 1).

All these materials are available on the Court’s website under Case-law/Case-law analysis.

**Methodological guide**

The Directorate also updated its methodological guide on how to make the best use of the HUDOC database, Court publications, newsfeeds and other tools (Finding and understanding the case-law). It is available in multiple languages on the Court’s website (under Case-law/Case-law analysis).

**Handbooks on European law**

In December 2020 a new edition of the *Handbook on European law relating to asylum, borders and immigration* was published in English, French, German, and Italian in cooperation with FRA. Additional translations of other existing ones were made available throughout the year. All Handbooks and language editions are available online under Case-law/Other publications.

**Case-law Information Note**

The Case-law Information Note (CLIN) has played a key role in the dissemination of the Court’s case-law since the first monthly edition was published in 1998. It has evolved considerably over the years but mainly reports on the most interesting cases recently examined by the Court.

The complete set of Information Notes and annual indexes are available on the Court’s website (Case-law/Case-law analysis/Case-law Information Note), while individual legal summaries of the different
cases can be found in the HUDOC database. These summaries are published on the day of delivery of the judgment, decision or opinion and translated into the other official language. Translations into non-official languages are also available in some cases.

**Compilation on human rights challenges in the digital age**

In partnership with Council of Europe Publishing and with the support of the Finnish Ministry for Foreign Affairs, the Court published a compilation of articles on the topic *Human Rights Challenges in the Digital Age: Judicial Perspectives*7. The book followed a seminar held in June 2019 honouring the then retiring Jurisconsult Lawrence Early and bringing together various experts on media law and data protection.

**Joint Law Report of regional human rights courts**

In July 2018, on the occasion of the 40th anniversary of the entry into force of the American Convention on Human Rights, the three regional human rights courts adopted the San José Declaration and established a Permanent Forum of Institutional Dialogue which is to meet every two years.

In October 2019, the African Court of Human and Peoples’ Rights hosted the first Forum in Kampala. This was followed by the first *Joint Law Report*, published in 2020 and covering the three courts’ leading case-law of the preceding year8.

**Factsheets and country profiles**

In 2020 the Press Unit prepared one new Factsheet on the Court’s case-law concerning, in particular, the independence of justice. More than sixty Factsheets are now available in English and French, many of which have been translated into German, Greek, Italian, Polish, Romanian, Russian, Spanish and Turkish with the support of, among others, the States concerned and national human rights institutions. These Factsheets provide the reader with a rapid overview of the most relevant cases concerning a particular topic and are regularly updated to reflect the development of the case-law.

The Press Unit has also prepared Country Profiles covering each of the forty-seven Council of Europe member States. These profiles, which

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are updated regularly, provide general and statistical information on each State as well as summaries of the most noteworthy cases.

The Factsheets and Country Profiles can be viewed on, and downloaded from, the Court’s website under Press/Press Service/Factsheets and Press/Press Service/Country Profiles.

**TRAINING OF LEGAL PROFESSIONALS**

At the beginning of 2020 judges and Registry members continued to offer their expertise at case-law training events, both at the Court and in the member States. In organising training sessions, the Court maintained its long-standing cooperation with the French *Conseil d’Etat*. Cooperation also continued with the Swedish National Courts Administration.

Group visits were cancelled from March onwards on account of the COVID-19 pandemic. The events then took place mainly in a virtual format.

HUDOC training sessions were organised for judges and prosecutors being trained by the European Judicial Training Network, the Office of the Armenian Government Agent before the Court, as well as for trainers on the HELP programme of the Council of Europe.

The Registry also contributed expertise to a know-how webinar for the benefit of the African Court of Human and Peoples’ Rights.

In partnership with the European Judicial Training Network, the Court organised an in-person training session at the beginning of the year for judges and prosecutors from EU member States. An online session was organised in November in order to deliver training while complying with the restrictions imposed by the confinement period.

In 2019 the Visitors’ Unit organised nine training sessions lasting between one and three days for legal professionals from six of the forty-seven member States.

With the cooperation and support of the Council of Europe’s HELP programme, the Court’s website hosts three video-presentations in the COURTalks-disCOURs series: on the admissibility criteria, asylum and terrorism. These videos serve as a training tool for the HELP programme, judicial training institutes and Bar associations, complementing other materials produced by the Court and by HELP. The videos with their transcripts have been published online in multiple languages (*Case-law/Case-law analysis/COURTalks-disCOURs*).
GENERAL OUTREACH
Public relations

The Court’s communication activities in 2020 were inevitably affected by the public-health crisis.

The Court made it a priority to communicate to applicants and their representatives the measures it had put in place on account of the COVID-19 crisis. The information was published in the official languages of the Council of Europe on the Applicants page of the Court’s website. During the year the information was updated to reflect the various measures taken as the public-health situation evolved.

As it was no longer possible to hold hearings in the presence of the parties and the public, the Court adjusted its procedures and opted to conduct hearings by video-conference. The hearings were recorded and retransmitted on the Court’s website, like all hearings since 2007, thanks to a contribution from Ireland.

Several conferences, in particular those organised to mark the 70th anniversary of the Convention, also had to be conducted by video-conference, as did the swearing-in ceremonies for the new judges of the Court. In addition, numerous video messages from the President and the judges were recorded owing to the impossibility of travelling to the Council of Europe member States to attend seminars and conferences and raise awareness of the Convention system.

To mark the 70th anniversary of the Convention, the Court published a commemorative book which was launched to coincide with the inauguration of the judicial year.

This work contains many hitherto unpublished photos and recounts the history of the Court, especially in images. A copy of the original
Convention text has been reproduced for the first time, and this is also the first publication to contain pictures of all the Court’s judges since its creation. In addition, case-law of major importance for Europe is presented through forty-seven cases, one for each member State, tracing their background and especially their impact in the various States Parties to the Convention. Lastly, the book takes a look inside the Human Rights Building, an architectural icon which was inaugurated exactly twenty-five years ago and which also features on a commemorative stamp issued by the French postal service.

The Court also published a new brochure for the public entitled *The European Convention on Human Rights – A living instrument*. This publication presents the Convention, its development and its Articles and Protocols in an easy-to-read style, in order to raise awareness among the wider public concerning this key instrument of the Organisation. It is already available in fourteen language versions.

A special webpage dedicated to the 70th anniversary of the *Convention* was created in 2020. It contains useful information and details of the various initiatives taken to celebrate, in so far as possible given the global situation, one of the main European and international instruments.

Furthermore, an exhibition on seventy years of the Convention was staged by the Court in the Palais de l’Europe, the headquarters of the Council of Europe.

As it does every year, the Court published its *Facts and figures* for 2019, as well as an *Overview 1959-2019* covering the sixty years of the Court’s activity. Further additions were made to the series of documents *Facts and figures by State*, with the publication of facts and figures for the countries that held the Chairmanship of the Committee of Ministers in 2020, namely Greece and Germany, as well as five further publications concerning Albania, Andorra, Armenia, Croatia and Denmark.

In 2020, more than ever, the Court’s website was its main channel of communication. The website (www.echr.coe.int) was visited more than 2,621,000 times in 2020, an increase of 9% over the previous year. It is updated daily, and in 2020 the menu was partially overhauled and new pages were created to make it easier to navigate and search (pages on Registrars, Dialogue between courts, Regional Human Rights Courts, 70 years of the Convention, Advisory opinions, Press, Official visits, and so on).
The online catalogue of the Court’s library, containing references to the secondary literature on the Convention case-law and Articles, was consulted around 295,200 times in 2020.

The website also underwent something of a makeover, with the styles being redesigned.

The Court made changes to its Twitter account, which can now be found at twitter.com/ECHR_CEDH, replacing the two separate accounts it had previously, one for press and the other for publications. The new single Twitter account enables legal professionals, the media and the general public to keep up with the Court’s news.

The Court also continued to add event videos to its YouTube channel.

**Visits**

2020 was marked by the COVID-19 pandemic. The public-health measures adopted in these exceptional circumstances inevitably had an impact on visits to the Court, which were suspended in March 2020.

In 2020 the Visitors’ Unit organised seventy-three information visits for 1,800 members of the legal community. In total, 2,603 visitors were welcomed to the Court.

**KEY CASES**

**List approved by the Bureau following recommendation by the Jurisconsult of the Court**

Cases are listed alphabetically by respondent State. By default, all references are to Chamber judgments. Grand Chamber cases, whether judgments or decisions, are indicated by “[GC]”. Decisions are indicated by “(dec.)”. Chamber judgments that are not yet “final” within the meaning of Article 44 of the Convention are marked “(not final)”.

**ALBANIA**

Tërshana v. Albania, no. 48756/14, 4 August 2020

**AZERBAIJAN**

Farzaliyev v. Azerbaijan, no. 29620/07, 28 May 2020

Makuchyan and Minasyan v. Azerbaijan and Hungary, no. 17247/13, 26 May 2020

**BELGIUM**

M.N. and Others v. Belgium (dec.) [GC], no. 3599/18, 5 May 2020

Mugemangango v. Belgium [GC], no. 310/15, 10 July 2020

**CROATIA**

Mile Novaković v. Croatia, no. 73544/14, 17 December 2020

Miljević v. Croatia, no. 68317/13, 25 June 2020

S.M. v. Croatia [GC], no. 60561/14, 25 June 2020

Slovenia v. Croatia (dec.) [GC], no. 54155/16, 18 November 2020

**FINLAND**

Kotilainen and Others v. Finland, no. 62439/12, 17 September 2020
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