



EUROPEAN COURT OF HUMAN RIGHTS  
COUR EUROPÉENNE DES DROITS DE L'HOMME

## **The European Court of Human Rights marks 60 years of work for peace, democracy, and tolerance**

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The European Court of Human Rights came into being 60 years ago, ten years after the founding of its parent institution, the Council of Europe. At a time of increasing uncertainty about, and resistance to, the fundamental values which these two bodies represent, it is important to recall the extraordinary contribution which the Court has made, and continues to make, to the protection of human rights, democracy and the rule of law. These three elements are crucial for the maintenance of tolerance, stability and above all peace. As the Court's President I wish to take the opportunity that this anniversary provides to remind all the stakeholders in this precious but fragile mechanism of its enormous significance and particularly striking relevance in today's highly complex and unpredictable international context.

The strength of the European system of human rights protection and the radical breakthrough in terms of the traditional understanding of international law and State responsibility lay in the fact that the European Convention on Human Rights provided for the setting-up of a court to ensure the observance of the Contracting States' engagements. For the first time individuals could lodge an application alleging a breach of the rights and freedoms protected against any of the contracting States within whose jurisdiction the alleged violation occurred. For the first time an international supervisory machinery was established capable of leading to a binding judicial decision, whose enforcement is subject to collective supervision by the Committee of Ministers of the Council of Europe. The States Parties to the Convention are thereby integrated into a system – one that is unparalleled anywhere in the world – of collective responsibility for human rights protection. This represented the most effective way of pursuing the goals of peace and stability.

The Court has produced a considerable body of case-law, adapting the Convention norms to the evolution of European societies. In so doing it has raised the protection of human rights in Europe to a higher and substantially uniform standard. It has made the Convention a “living instrument” through a process of permanent and dynamic interaction between the international mechanism and the national legal systems. Thus the Court has been able to provide responses to contemporary issues arising for States. Its case-law touches on sensitive societal issues such as assisted suicide, abortion, same-sex partnership, religious symbols and dress and hate speech. In particular, over the past few years, it has been called upon to address the situation of migrants in Europe or measures to combat terrorism in our societies. Various new questions, especially stemming from the emergence of new technologies, have been submitted to the Court such as complaints about surveillance systems, embryo donation and surrogacy.

Recent years have seen an increase in dialogue between the Court and domestic courts aimed at fostering mutual trust. In addition to the numerous bilateral meetings held each year in Strasbourg and abroad, in 2015 the Court set up a unique structure: the Superior Courts Network. This network now unites 79 courts from 36 States. Dialogue with the national courts is truly part of the Court's DNA. At the heart of the European system of human rights protection, the Court irrigates the domestic legal orders of the European States. Every day, in the courts of the Contracting States, the Convention is invoked by lawyers and applied by judges. Increasingly, the domestic courts, and primarily the Supreme Courts and Constitutional Courts, are incorporating the Court's jurisprudence into their own case-law.

Moreover, the Court has a global impact. It has become the model for other regional human rights courts: the Inter-American Court of Human Rights established in 1979 and the African Court on Human Rights and Peoples' Rights established in 2006. The influence of the Court on other international courts should not be underestimated. The case-law of the Court of Justice of the European Union has placed special emphasis on the role of the Convention, and therefore the Court. In addition its judgments are often cited in countries far from Europe, for example in the decisions of the Supreme Courts of India, Japan or Canada.

Although the vast majority of applications are lodged by individuals or groups of individuals, there have also been 24 inter-State cases since the Convention entered into force and currently 8 such cases are pending. In this way a number of State conflicts have been brought before the Court. Most cases have concerned situations of crisis or conflict. In addition to these inter-State cases there are thousands of individual applications before the Court related to conflict situations, such the armed conflict between Georgia and Russia in 2008 as well as the events in Crimea and the hostilities in Eastern Ukraine.

Over the last 60 years the Court has acquired a well-established place on the European legal landscape justifying its position as an essential pillar of European construction and unity.

Since it was set up, the Court has decided on more than three quarters of a million applications. This impressive figure is unrivalled by any other international court. The Court has developed a body of case-law which has refined and expanded human rights standards. As a result of its execution mechanism, the impact of its judgments is unmatched. Arguably, there is no court in the world that has done so much for the emancipation of the individual as a subject of international law.

The challenge for the Court today is to ensure that the European continent remains a single legal space, founded on common values, in order to protect Europeans from instability and division, serving the cause of peace and democracy. The European Court of Human Rights remains a unique and crucially important model of international justice.