

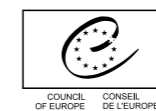
THE CONSCIENCE OF EUROPE

50 Years of the European Court of Human Rights



THE CONSCIENCE OF EUROPE

50 Years of the European Court of Human Rights



GRAND-DUCHÉ DE LUXEMBOURG
Ministère des Affaires étrangères





© Council of Europe, October 2010

First published in 2010 by Third Millennium Publishing Limited, a subsidiary of Third Millennium Information Limited.

2–5 Benjamin Street
London
EC1M 5QL
United Kingdom
www.tmilt.com

ISBN 978 1 906507 45 9

All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or any storage or retrieval system, without permission in writing from the publisher.

British Library Cataloguing in Publication Data: A CIP catalogue record for this book is available from the British Library.

Project managed by Neil Burkey
Designed by Matthew Wilson
Production by Bonnie Murray
Reprographics by Studio Fasoli, Italy
Printed by Printer Trento, Italy



Printed on elemental chemical free paper from sustainable forestry.

Cover: *The Human Rights Building* (Architects: Richard Rogers Partnership and Atelier Claude Bucher).

Page 2: *Flags of the 47 member States of the Council of Europe together with the Organization's star-studded flag (top left). This flag has also been adopted by the 27-member-strong European Union.*

Note on Citations

Unless otherwise indicated, any mention of the 'Convention' or the 'European Convention' refers to the Convention for the Protection of Human Rights and Fundamental Freedoms (Council of Europe Treaty Series No. 5). Any mention of a 'Protocol' refers to one of the additional Protocols to this Convention. The Convention and its Protocols are accessible through the Court's Internet site (www.echr.coe.int) under 'Basic texts' and on the CD-ROM supplied with this book.

The name of each case referred to is indicated in italics, followed by the year in which judgment was delivered. Unless otherwise indicated, reference is made to the Court's final judgment in the case. (In cases where both a Chamber and a Grand Chamber handed down a judgment, reference will be made to the judgment by the Grand Chamber.) If several judgments were delivered in the same case – dealing with issues in addition to its merits (such as preliminary objections or just satisfaction) – reference may be made to more than one year. If two or more judgments or decisions were delivered in the same year in different cases bearing the same name (for example, *X v. France*), the case number of the relevant case has been added.

All judgments, decisions and Commission reports referred to are available in the Court's database HUDOC (www.echr.coe.int/echr/en/hudoc).

An asterisk (*) indicates that additional information can be found in the 'Sources, Credits, Acknowledgements and Notice' section, pages 216–7.

The Editorial Board

The Editorial Board for this book consisted of:
Egbert Myjer, Chairman
Leif Berg
Peter Kempees
Giorgio Malinverni
Michael O'Boyle
Dean Spielmann
Mark E. Villiger
Jonathan L. Sharpe was also a member of the Board and acted as General Editor.

The manuscript was finalized on 10 October 2010.

This book is available with a CD-ROM containing two films on the Court and a variety of further information, such as official texts and country-specific fact sheets.

The Court's Case-law Information and Publications Division will be pleased to receive your comments on this book at the following address: publishing@echr.coe.int

Disclaimer

The views expressed in this book are solely those of the individual authors and do not bind the Court.



The Court was a long, grey concrete erection beside a river, with two circular towers like gasworks sawn off crookedly. Inside, we had wandered, uncertain of the way, in what looked like the vast boiler-room of a ship, painted in nursery colours. We went up and down steel and wire staircases, and travelled in lifts whose glass sides let you see more of the journey than made you entirely comfortable. And then I was standing up at a desk in a huge courtroom. Across an expanse of blue carpet, so far away that I could hardly distinguish their features, sat the judges in black gowns under a white ceiling perforated like a giant kitchen colander. Human rights, it seemed, like the scientific romances of H.G. Wells, had been set in the future and now the future had arrived with a rush and overtaken me before I was quite sure how to address it.

John Mortimer
'Rumpole and the Rights of Man'
in *Rumpole and the Angel of Death*
(Penguin Books, 1996)

Contents

<i>Forewords</i>	8
<i>General Editor's Note</i>	10
<i>Presentation to the Court of the Four Freedoms Award</i>	12

SECTION 1: THE HISTORY OF THE COURT

<i>Chapter 1: The Birth of the European Convention on Human Rights</i>	16
Historical Context and Drafting of the Original Convention	16
Subsequent Amendments	22
The Nature of the Convention	23
Ratification of the Convention as a Precondition of	
Membership of the Council of Europe	24
Influence of the Convention beyond the Council of Europe	26

<i>Chapter 2: The Situation before 1 November 1998</i>	30
The Institutions	30
The System	33
<i>Chapter 3: Fundamental Changes</i>	52
Protocol No. 11	52
Protocols Nos. 14 and 14 bis	55
<i>Sample Cases, Part 1</i>	59

SECTION 2: THE COURT TODAY

<i>Chapter 4: Current Organization and Procedures</i>	66
Organization	66
Procedures	69
Advisory Opinions	71
The Registry	71
Budget	74
<i>Chapter 5: The Execution of Judgments</i>	88
The Nature of the Measures Required	88
The Scope of the Measures Required	90
General Remarks	91
<i>Chapter 6: A Half-Century of Statistics</i>	94
<i>Sample Cases, Part 2</i>	100

SECTION 3: SOME NOTABLE PEOPLE IN THE COURT'S HISTORY

<i>Chapter 7: Presidents of the Court</i>	106
<i>Chapter 8: Presidents of the Commission</i>	122
<i>Chapter 9: Registrars of the Court</i>	128
<i>Chapter 10: Secretaries to the Commission</i>	132
<i>Sample Cases, Part 3</i>	136

SECTION 4: THE INSTITUTIONS' BUILDINGS

<i>Chapter 11: The Former Buildings</i>	142
<i>Chapter 12: The New Building</i>	148
<i>Sample Cases, Part 4</i>	156

SECTION 5: ACHIEVEMENTS AND OPTIONS FOR THE FUTURE

<i>Chapter 13: The Achievements of the Strasbourg Court</i>	162
Numbers	165
Rights	166
Principles	168
Impact	171
<i>Chapter 14: The Interlaken High Level Conference</i>	182
<i>Chapter 15: The Future</i>	190
The Present	190
The Past	192
The Imagined Future	195
The Real Future	197
<i>Sample Cases, Part 5</i>	202

APPENDIX

Judges and Commission Members	208
Further Reading	214
Sources, Credits, Acknowledgements and Notice	216
List of Subscribers	218
Index	220



In the middle, the Palais de l'Europe, the main building of the Council of Europe (47 member States) in Strasbourg, France, and further behind it the European Parliament building (27 member States). The much smaller square building to the right of the Palais de l'Europe is the former Human Rights Building. Further to the right, the current Human Rights Building on the river Ill, a tributary of the Rhine which forms the border between France and Germany.