



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

Bringing the Convention home 2019

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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Bringing the Convention home

Notable developments in 2019 included making the Knowledge Sharing platform available to members of the Superior Courts Network and the decision to begin preparing for 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 Court works with 86 superior courts in 39 member States as well as with multiple other partners who all share the objective of disseminating Convention standards with a view to improving their implementation at national level.

Notable developments in 2019 included the further consolidation of the Knowledge Sharing (KS) platform and making it available to members of the Superior Courts Network (see chapter 3). This first iteration of the KS platform was very well received and the Court now aims to make available a fully external version as soon as human and technical resources allow for it.

Pending that external platform, the Court's website contains a wealth of materials in multiple formats 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 relating

to 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 seeks to secure the translation of judgments, decisions and case-law publications into languages other than its official ones (English and French). 2019 saw a continued increase in the number of such translations.

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 website¹ or by selecting "Key cases" under the "Importance" filter in HUDOC.

The HUDOC case-law database

Since the extensive redesign of the database in 2012 the Registry has continued to add features to HUDOC (hudoc.echr.coe.int)². The additions in 2019 included a document collection for advisory opinions adopted under Protocol 16. Improvements were also made to various search filters.

The HUDOC interface now exists in a total of six languages (English, French, Georgian, Russian, Spanish and Turkish) and a Ukrainian version will be launched in early 2020. The development of a Bulgarian interface is well under way and further language versions are under consideration.



The Registry continues to explore the feasibility of enabling users to filter results by machine-extracted factual concepts (thematic searches). Results thus far have not met expectations but the project is ongoing.

1. Under [Case-law/Judgments and decisions/Selection of key cases/Key cases](#).

2. FAQs, manuals and video tutorials on HUDOC are available on the Court's website under [Case-law/Judgments and decisions/HUDOC database](#).

Three new HUDOC sites were launched for other Council of Europe departments (FCNM, GRECO and GRETA), bringing the total number of HUDOC sites to eight.

The number of HUDOC visits increased by 14% in 2019 (4,516,395 visits compared with 3,955,016 visits in 2018).

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. It should be noted that the 2015 [Brussels Declaration](#) called upon States Parties to promote accessibility to the Court's case-law by translating or summarising significant judgments as required, improved knowledge of the Convention being key to ensuring that the principle of subsidiarity is fully effective.

30,000
translations

31
languages

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 kind³.

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 50 translations of case-law guides, handbooks and research reports were published in 2019⁴.

3. 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.

4. Some 45 translations remained pending at the end of 2019 (for a complete list see the online table at www.echr.coe.int/Documents/Translations_pending_ENG.pdf). Publishers or anyone wishing to translate and/or reproduce Court materials (or any translation thereof) should

In addition, some 30,000 texts in 31 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 beyond⁵. 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–European Union 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 four new case-law guides covering Articles 11 (freedom of assembly and association), 13 (right to an effective remedy) and 17 (prohibition of abuse of rights) of the Convention and Article 1 of Protocol No. 1 (protection of property). It continued to update regularly all the existing guides on both the admissibility criteria and substantive Convention rights. In addition, the Directorate launched a new series of thematic guides taking a transversal approach across the Convention. Each of these guides brings together all

contact publishing@echr.coe.int for further instructions regarding applicable intellectual rights and in order to avoid duplicating an already pending translation.

5. The translations are published with a disclaimer since the only authentic language version of a judgment, decision or advisory opinion is in one or both of the Court’s official languages.

Convention Articles relevant to a particular theme. The first ones covered immigration and terrorism and further guides are planned for 2020.

The Directorate also published nine research reports on the Court's case-law covering the following subjects: the safety of journalists; the use of lethal force by State agents; the burden of proof in asylum cases; violence against women and access to justice; absence of a lawyer during the first days of custody; treatment of persons of unsound mind and lawfulness of detention; substantive law obstacles to access to a court; the notion of "complaint" and the principle *jura novit curia*; and the concept of a "safe third country".

All these materials are available online 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

No new substantive Handbooks were published in 2019, but additional translations of 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 and now contains, in addition to a monthly round-up of legal summaries concerning interesting cases from this Court, summaries of cases from other European and international jurisdictions (courtesy of our partners in those courts), a news section, a recent-publications section and a monthly cumulative index.

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 are quickly translated into the other official language. Translations into non-official languages are also available in some cases.

Factsheets and country profiles

In 2019 the Press Unit prepared five new Factsheets on the Court's case-law concerning, in particular: health and expulsion (aliens); restrictions on the right to liberty and security for reasons other than those prescribed by the Convention; right to respect for family life of prisoners in remote penal facilities; use of force in the policing of demonstrations; and whistle-blowers. More than 60 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 47 Council of Europe member States. These profiles, which 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](#).

TRAINING OF LEGAL PROFESSIONALS

Judges and Registry members continued to offer their expertise at case-law training events both at the Court and in member States. The Court maintained its long-standing cooperation with the Court of Cassation and the *École nationale de la magistrature* in France. Cooperation continued with the Supreme Court of Russia and the Swedish National Courts Administration.

In partnership with the European Judicial Training Network the Court also organised training sessions for judges and prosecutors from EU member States.

In 2019 the Visitors' Unit organised 54 training sessions lasting between one and three days for legal professionals from 21 of the 47 member States.

15 HUDOC training sessions were organised for, among others, SCN member courts from Montenegro and the Slovak Republic, judges from the French Court of Cassation, as well as for judges and prosecutors being trained by the European Judicial Training Network.

The Registry continued to offer tailored video-conference presentations and question-and-answer sessions to Bar associations and judicial training centres. One notable event was the video-conference organised in cooperation with the Ukrainian National Legal Service

Training College (<http://nsj.gov.ua>), attended by several hundreds of judges located in numerous courts equipped with the necessary technology.

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

Websites and social media

The focal point of the Court's communication policy is its websites, which, together with HUDOC-ECHR, recorded 7,038,953 visits in 2019 (an increase of 8.3% compared with 2018). The main website (www.echr.coe.int) provides a wide range of information on all aspects of the Court's work, including the latest news on its activities and cases; details of the Court's composition, organisation and procedure; Court publications and core Convention materials; statistical and other reports; and information for potential applicants and visitors.

In order to streamline the Court's external communication it was decided in late 2019 to consolidate the current two Twitter accounts (twitter.com/ECHR_Press and twitter.com/echrpublication) into a single account serving legal professionals, media outlets and the general public. The new account will be phased in as soon as feasible.

Lastly, the Court's website provides a gateway to the Court library web pages, which, though specialised in human rights law, also have materials on comparative law and public international law. The library's online catalogue, containing references to the secondary literature on the Convention case-law and Articles, was consulted 261,053 times in 2019.

Public relations

The year 2019 saw a number of events marking the Court's 60th anniversary. In January 2019 the President of the Court and the President of Finland, Sauli Niinistö, inaugurated in the Human Rights Building an exhibition entitled "Finland presents the 60th anniversary of the European Court of Human Rights". Held in connection with the Finnish Chairmanship of the Committee of Ministers of the Council of Europe,

the exhibition consisted of a series of panels illustrating the key developments in the Court's history, together with documents and information about Finland and the Court.

On 5 May 2019, the date of the Council of Europe's 70th anniversary, the Court welcomed members of the public for its open day. Over 3,000 people visited the Human Rights Building, learnt about the Court's work and had the opportunity to talk to the staff members present.

In June 2019 President Sicilianos and the French Secretary of State to the Minister for Europe and Foreign Affairs, Amélie de Montchalin, inaugurated at the Court the exhibition "France and the ECHR". Marking the Court's 60th anniversary, in connection with the French Chairmanship of the Committee of Ministers, this exhibition traced the history of relations between the Court and France, emphasising the major role played by a number of French figures in the drafting of the Convention and presenting certain landmark judgments against France, showing their impact at national level. The exhibition was also on display in Strasbourg and in Paris.

Also to mark the 60th anniversary, a number of postal services in Council of Europe member States issued special commemorative stamps, and the French illustrator Monsieur Z produced a poster of the Human Rights Building.

During the year the Court also hosted an exhibition, "One Trial – Four Languages", on the role of the interpreters during the Nuremberg Trial of 1945, at which simultaneous interpreting became an established technique. With the support of the German Ministry of Justice and Consumer Protection, a number of talks were held at the Court about aspects of the interpreting profession.

In addition, President Sicilianos, the Mayor of Strasbourg, Roland Ries, the Permanent Representative of Germany to the Council of Europe, Rolf Mafael, and the Permanent Representative of France to the Council of Europe, Jean-Baptiste Mattéi, took part in a ceremony to mark the 30th anniversary of the fall of the Berlin Wall, on 9 November 2019. They gave speeches in front of four panels from the Wall that were donated to the Council of Europe by Germany in 1990 and now stand on the forecourt of the Human Rights Building.

On the multimedia front, the film about the Court is now available in 40 languages on the Court's [YouTube](#) account. It explains how the Court functions, the challenges it faces and the extent of its activity, through examples of cases.

A new video has also been produced to inform applicants about the new non-contentious phase of the Court's procedure once an

application has been communicated. This video, which is available in French and English, can be found on the [Applicants](#) pages. The same part of the website has seen the addition of new documents and information that will help applicants to gain a better understanding of the main stages of proceedings before the Court.

As to publications, the series of documents launched in 2017 to make the public aware of the Convention system in the various member States has been expanded by two further leaflets: “[The ECHR and France: facts and figures](#)”, and “[The ECHR and Georgia: facts and figures](#)”, both produced when those States respectively held or took over the Chairmanship of the Committee of Ministers.

The documents “[Overview 1959-2018](#)” and “[The ECHR in facts and figures 2018](#)” have been updated, with the aim of presenting the Court’s statistics more generally.

Visits

In 2019 the Visitors’ Unit organised 410 information visits for a total of 11,774 members of the legal community. In all, it welcomed a total of 16,141 visitors.

16,141

visitors

410

information visits

54

training sessions

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)”.

AZERBAIJAN *Ilgar Mammadov v. Azerbaijan* [GC], no. 15172/13, 29 May 2019

BELGIUM *Rooman v. Belgium* [GC], no. 18052/11, 31 January 2019
Romeo Castaño v. Belgium, no. 8351/17, 9 July 2019

CROATIA *Ulemek v. Croatia*, no. 21613/16, 31 October 2019 (not final)

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CYPRUS	<i>Güzelyurtlu and Others v. Cyprus and Turkey</i> [GC], no. 36925/07, 29 January 2019
FRANCE	<i>Advisory opinion requested by the French Court of Cassation</i> , request no. P16-2018-001, 10 April 2019 <i>Guimon v. France</i> , no. 48798/14, 11 April 2019 <i>Khan v. France</i> , no. 12267/16, 28 February 2019
HUNGARY	<i>Ilias and Ahmed v. Hungary</i> [GC], no. 47287/15, 21 November 2019
ICELAND	<i>Sigurður Einarsson and Others v. Iceland</i> , no. 39757/15, 4 June 2019
ITALY	<i>Marcello Viola v. Italy (no. 2)</i> , no. 77633/16, 13 June 2019
MALTA	<i>Mifsud v. Malta</i> , no. 62257/15, 29 January 2019
NORWAY	<i>Strand Lobben and Others v. Norway</i> [GC], no. 37283/13, 10 September 2019
POLAND	<i>Olewnik-Cieplińska and Olewnik v. Poland</i> , no. 20147/15, 5 September 2019
PORTUGAL	<i>Fernandes de Oliveira v. Portugal</i> [GC], 78103/14, 31 January 2019
ROMANIA	<i>Mihalache v. Romania</i> [GC], no. 54012/10, 8 July 2019 <i>Nicolae Virgiliu Tănase v. Romania</i> [GC], no. 41720/13, 25 June 2019
RUSSIA	<i>Georgia v. Russia (I)</i> (just satisfaction) [GC], no. 13255/07, 29 January 2019 <i>Z.A. and Others v. Russia</i> [GC], nos. 61411/15 and 3 others, 21 November 2019
SPAIN	<i>López Ribalda and Others v. Spain</i> [GC], nos. 1874/13 and 8567/13, 17 October 2019
TURKEY	<i>Altay v. Turkey (no. 2)</i> , no. 11236/09, 9 April 2019 <i>Güzelyurtlu and Others v. Cyprus and Turkey</i> [GC], no. 36925/07, 29 January 2019 <i>Karaca v. Turkey</i> (dec.), no. 5809/13, 12 March 2019 <i>Kutlu and Others v. Turkey</i> (dec.), no. 18357/11, 12 March 2019 <i>Taşdemir v. Turkey</i> (dec.), no. 52538/09, 12 March 2019
UNITED KINGDOM	<i>Beghal v. the United Kingdom</i> , no. 4755/16, 28 February 2019 <i>J.D. and A v. the United Kingdom</i> , nos. 32949/17 and 34614/17, 24 October 2019 (not final)