



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

Press Conference

Speech by President Robert Spano

Strasbourg, 25 January 2022

Welcome to this press conference, which is taking place again this year under somewhat special conditions due to the pandemic.

I would like to welcome the journalists who are here with us at the Court, but also those who have sent us questions beforehand and those who are following us live. I have with me the Registrar of the Court, Marialena Tsirli, and the Deputy Registrar, Abel Campos, who will assist me this morning. I would like to thank my Chef de Cabinet, Patrick Titun, who will act as a link between us.

Before giving you the floor, I would like to say a few words about the activities of our Court over the past year.

In 2021, the Court decided more than 36,000 applications, a decrease of 8% compared to the previous year. However, the number of Grand Chamber or Chamber judgments was 428 (relating to 1,037 applications), an increase of 9% compared to 2020. This is very important, as the cases which give rise to Grand Chamber or Chamber judgments are obviously the most complex and raise the most serious issues. It should be noted that this increase in the number of judgments corresponds to an 87% increase in the number of applications handled. The grouped processing of cases also demonstrates the Court's efficiency when dealing with a large number of applications.

At the end of 2020, there were 62,000 pending applications. This figure rose to 70,150 at the end of 2021, an increase of 13%.

70% of all pending requests still concern 4 countries. However, there are variations.

Firstly, the Russian Federation, with around 17,000 complaints, is still our highest case-count country, and here I note an increase of 24% compared to the previous year.

Then comes Turkey with 15,250 complaints, again an increase of almost 30% compared to 2020, followed by Ukraine with about 11,350 complaints and an increase of 9% and finally Romania with 5,700 complaints and a decrease of 24%.

What should 2021 tell us about the Court's functioning?

First of all, a new case-processing strategy was put in place, in addition to the prioritisation policy, which has been functioning since 2009 and aims to speed up the processing and resolution of the most important, serious and urgent cases.

Let me explain: there are currently almost 21,500 applications in which the main complaints do not relate to the core rights protected by the European Convention on Human Rights. Some of these non-

priority cases raise issues of great importance for the applicant and the respondent State or for the development of the Convention system in general, and require equally focused and expeditious treatment.

That is why, in line with the already successful prioritisation policy, we have introduced a new strategy for handling these cases, which is now called "impact" cases. Our new strategy is based on three key principles: firstly, the rapid identification of these cases, secondly, their follow-up and, thirdly, the simplification of the processing of all other requests that are neither priority nor 'impact'.

Impact cases are identified on the basis of various criteria. Sometimes the solution adopted is likely to lead to a change in international or domestic law or practice. In some cases, the case raises societal issues or issues related to new technologies that have never been addressed by the Court. In other cases, the issue is new or significant in the field of human rights.

As of 1 January 2022, there are more than 500 cases that fall into this category. They include freedom of expression, the right to a fair trial, wiretapping and secret surveillance of journalists, pandemic cases, discrimination against sexual minorities, the right to information and environmental nuisance.

To conclude this point, it is clear that the measure of the Court's success should no longer be the total number of cases dealt with in a given period, but also the nature of the cases considered and the way in which the most important cases are dealt with. Our new strategy is in line with this and with our desire to ensure "a Court that matters".

Moreover, as of 1 September 2021 and for a trial period of two years, cases falling within the jurisdiction of the three-judge committees are drafted in a much more concise manner. This new format of short judgments and decisions will complement the Court's new strategy for dealing with so-called "impact cases". On the one hand, it will enable the Court to respond in a timely manner to complaints which fall under well-established case-law; on the other hand, it will enable the Court to devote more time and resources to the examination of the most complex and important cases.

Another major event in 2021 was the entry into force of Protocol No. 15, which added an express reference to the principles of subsidiarity and margin of appreciation into the Preamble to the Convention. Also, as you know, from 1 February, the time-limit for bringing a case before the European Court of Human Rights will no longer be six months, but four months.

Beyond the numbers, I would also like to point out that there were important judgments delivered by the Court in 2021.

I know that you follow our case-law closely. You have therefore seen that some of these judgments have had a high media profile. The same applies to the measures taken by the Court under Rule 39 of its Rules of Court.

This is, of course, true of a case that was handed down this year and whose impact, to use a word I have already used today, has been considerable in Europe and beyond. This is, of course, the case of *Vavříčka and Others v. the Czech Republic*, concerning the compulsory vaccination of children against well-known childhood diseases. In that case, this Court pointed out that compulsory vaccination constituted an interference with the right to respect for private life. However, it considered that the policy of vaccinating children in the Czech Republic pursued the legitimate objectives of protecting the health and rights of others. This policy was in line with the best interests of children. The Court therefore found no violation of the European Convention on Human Rights and concluded that the measures adopted were necessary in a democratic society.

It is interesting to see that in this judgment, our Court referred in particular to the notion of social solidarity for the benefit of the most vulnerable in order to justify its position.

Other key judgments from 2021 were *Big Brother Watch and Others v. the United Kingdom* and *Centrum för rättvisa v Sweden*. These two cases, decided on the same day, set out the fundamental safeguards required of a domestic bulk interception regime under Article 8 and under Article 10 of the Convention. They also defined the requisite safeguards regarding the receipt of intelligence from foreign intelligence services.

In addition, in *Georgia v. Russia (II)* the Grand Chamber clarified its case-law on extraterritorial jurisdiction, and examined, for the first time under Article 2 of Protocol No. 4, the issue of persons displaced within their own country as a result of an international armed conflict. The Court also provided clarification on the methodology to be used in cases where there seems, at first sight, to be a conflict between Convention law and international humanitarian law and reiterated the obligation to cooperate with the Court under Article 38 of the Convention.

Finally, few areas of life have remained untouched by the Coronavirus pandemic. During 2021 the Court has processed 80 interim measure requests under Rule 39; a vast majority of which were brought by persons detained in prisons or kept in reception and/or detention centres for asylum seekers and migrants. More generally, complaints have been brought on lockdown and confinement measures (*Terheş v. Romania*); restrictions on freedom of assembly, association and religion (*Magdić v. Croatia*); vaccination and health passes (*Zambrano v. France*); the dissemination of untrue information (pending case *Avagyan v. Russia*); financial damage to businesses (*Toromag, SRO v. Slovakia*) and the conditions of detention (*Feilazoo v. Malta*).

Dear guests in the room and taking part from afar,

Allow me finally to put last year and the year to come in context, even thinking longer into the future. The Convention system is facing serious challenges because the system's trajectory and development is always emblematic of events in the wider European legal space and, indeed, in the world at large. But let me say this and be absolutely clear: the Convention's core purpose is and has always been exactly to meet the test of precarious times like these. Preserving at all costs the principles of democratic governance and the rule of law has now become more vital than ever. Let's never forget : A world without these fundamental principles is a world that is no longer free.

I am now at your disposal to answer questions.