

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

1959 · 50 · 2009

The European Court of Human Rights Some Facts and Figures

1959-2009

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



COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

This document has been prepared by the Registry of the Court and does not bind the Court. It is intended to provide basic general information about the way the Court works.

For more detailed information, please refer to documents issued by the Registry available on the Court's website **www.echr.coe.int**

The European Court of Human Rights is celebrating its 50th anniversary

The European Convention on Human Rights, an international treaty drawn up within the Council of Europe, was opened for signature in Rome in 1950 and entered into force in 1953. The Convention's importance lies not only in the scope of the fundamental rights that it protects, but also in the system of protection established in Strasbourg to examine alleged violations and ensure that States comply with their obligations under the Convention. Thus, the European Court of Human Rights was set up in 1959.

Under the original system, three institutions were responsible for enforcing the obligations undertaken by the Contracting States: the European Commission of Human Rights, the European Court of Human Rights and the Committee of Ministers of the Council of Europe. All applications lodged under the Convention by individual applicants and Contracting States were the subject of a preliminary examination by the Commission, which decided whether they were admissible. If a complaint was declared admissible, and where no friendly settlement was reached, the Commission drew up a report establishing the facts and expressing a non-binding opinion on the merits of the case. The Commission and/or the Government of the State in question could then decide to refer the case to the Court for a final, binding adjudication. If the case was not brought before the Court, it was decided by the Committee of Ministers.

Since 1 November 1998, when Protocol No. 11 entered into force, the first two of these institutions have been replaced by a single full-time European Court of Human Rights, and individual applicants have been entitled to submit their cases directly to the Court.

Over the past half-century the Court has delivered more than 10,000 judgments. Its rulings are binding on the States concerned and have obliged governments to amend legislation and administrative practice in many fields. Through the Court's case-law, the European Convention on Human Rights has become a dynamic and powerful instrument in the response to new challenges and the

ongoing promotion of the rule of law and democracy in Europe.

The Court's seat is the Human Rights Building in Strasbourg, designed by the British architect Lord Richard Rogers and completed in 1994. In this world-famous building the Court monitors respect for the human rights of the 800 million Europeans who live in the 47 States which have ratified the Convention.

Key dates

21 January 1959

First members of the European Court of Human Rights elected by the Consultative Assembly of the Council of Europe

23-28 February 1959

The Court's first hearing

20 April 1959

Solemn Installation of the Court on the occasion of the celebrations to mark the tenth anniversary of the Council of Europe

15-16 September 1959

The Court elects its President, Lord McNair, its Vice-President, René Cassin and its Registrar, Polys Modinos

18 September 1959

The Court adopts its Rules of Court

14 November 1960

The Court delivers its first judgment: *Lawless v. Ireland*

1 November 1998

Entry into force of Protocol No. 11 to the Convention, instituting "the new Court"

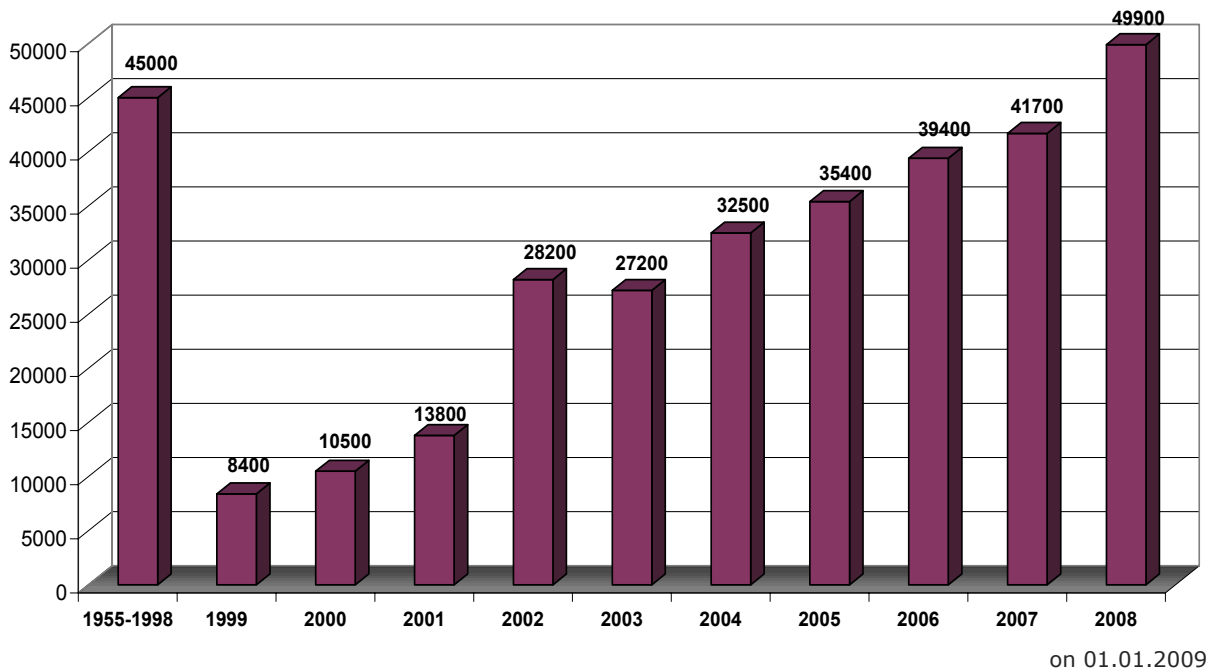
13 May 2004

Opening for signature of Protocol No. 14, amending the Convention's supervisory system

18 September 2008

The Court delivers its 10,000th judgment

Applications allocated to a judicial formation

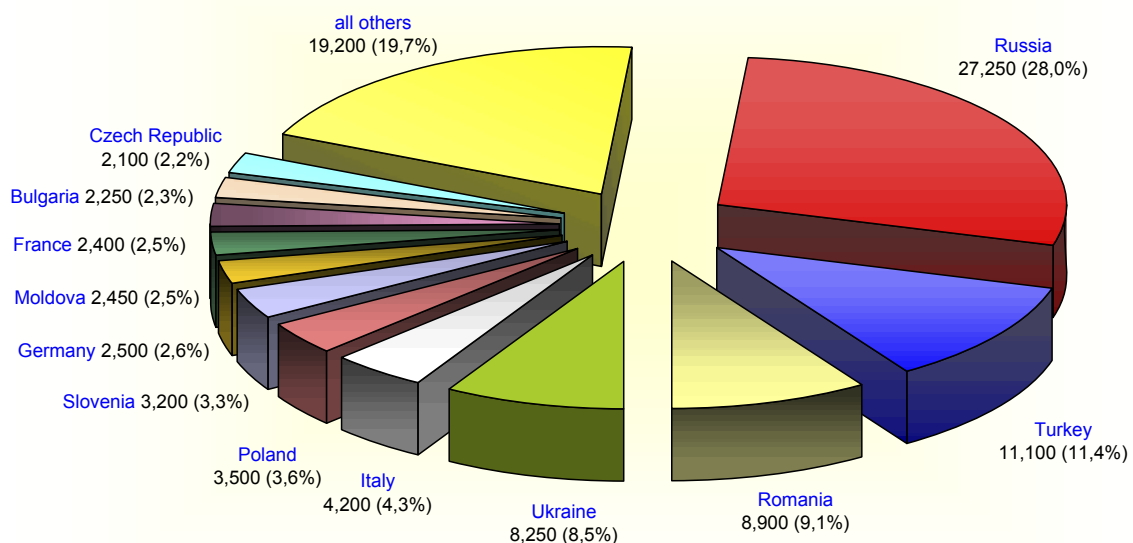


Applications which are allocated to a judicial formation are those for which the Court has received a correctly completed form, accompanied by copies of relevant documents. These applications will be examined by a Committee or by a Chamber of the Court. These figures do not include applications which are at the pre-judicial stage (incomplete case file).

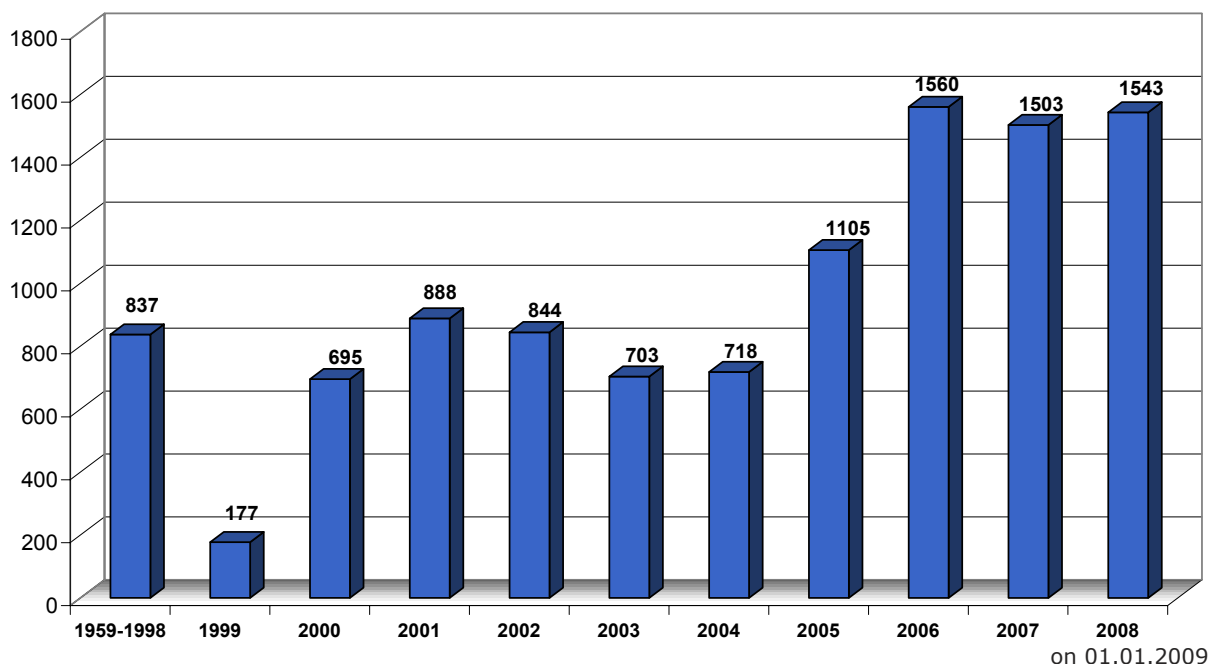
Pending allocated cases

On 1 January 2009 approximately 97,300 applications were pending before a decision body. More than half of these applications had been lodged against one of three countries: Russia, Turkey or Romania.

on 01.01.2009



Judgments delivered by the Court



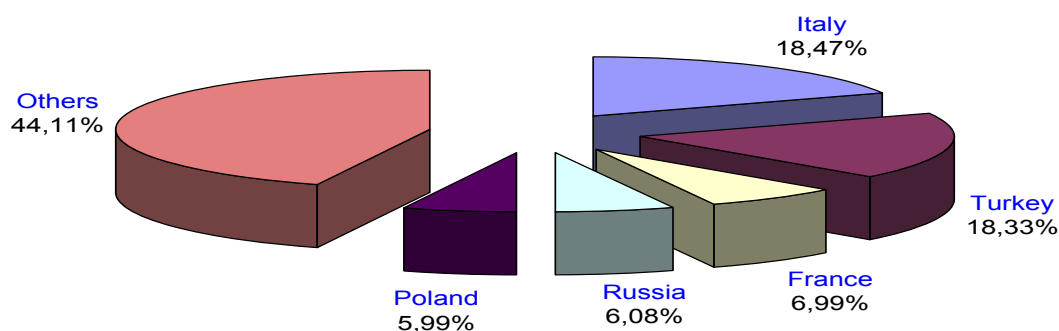
Since the reform of the Convention system on 1 November 1998, there has been a considerable increase in the Court's caseload. Barely ten years after the reform, as it approaches its 50th anniversary, the Court has delivered its 10,000th judgment. Its output is such that more than 90% of the Court's judgments since its creation in 1959 have been delivered between 1998 and 2008.

In recent years the Court has concentrated on examining complex cases and has decided to join certain applications which raise similar legal questions so that it can consider them jointly. Thus, although the number of judgments delivered each year is not increasing as rapidly as in the past, the Court has examined more applications.

Violation judgments by country

1959-2009

on 01.01.2009

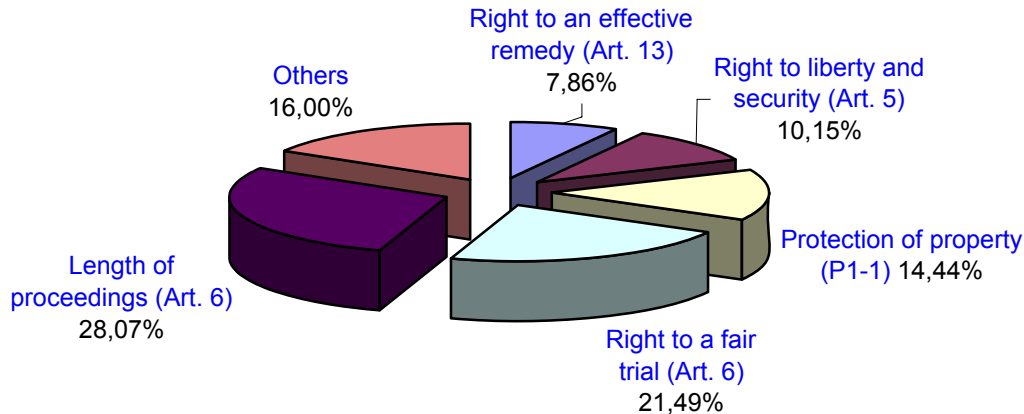


More than half the judgments delivered by the Court concerned four of the Council of Europe's 47 member States: Italy (1,953 judgments), Turkey (1,939 judgments), France (740 judgments) and Russia (643 judgments). Of the total number of judgments it has delivered since it was established in 1959, in over 81% of cases the Court has found at least one violation of the Convention by the respondent State.

Subject-matter of the Court's violation judgments

1959-2009

on 01.01.2009



More than half of the judgments in which the Court found a violation included a violation of Article 6, whether on account of the fairness or the length of the proceedings. Furthermore, 64% of violations found by the Court concern Article 6 (right to a fair trial) and Article 1 of Protocol No. 1 (protection of property). Lastly, about 8% of violations found by the Court concern the right to life or the prohibition of torture and inhuman or degrading treatment (Articles 2 and 3 of the Convention).

Examples of judgments delivered by the Court

Article 2 right to life

- Fatal shooting by police officers of IRA members suspected of preparing a terrorist attack in Gibraltar – violation
McCann and Others v. the United Kingdom, 27 September 1995
- Shootings in Northern Ireland, and lack of an effective investigation – violation.
McKerr v. the United Kingdom, 4 May 2001
- Disappearance following the Turkish occupation of Cyprus, and lack of an effective investigation – violation.
Cyprus v. Turkey, 10 May 2001
- Refusal to give advance undertaking not to prosecute a husband for assisting his wife to commit suicide – no violation.
Pretty v. the United Kingdom, 29 April 2002
- Deaths resulting from an explosion at a rubbish tip beside which a shanty town had been built – violation.

Öneriyıldız v. Turkey, 30 November 2004

- Bombing of civilian convoy and of a village in Chechnya – violation.
Isayeva, Yusupova and Bazayeva v. Russia and Isayeva and others v. Russia, 24 February 2005
- Killing by soldiers in Chechnya – violation.
Khashiyev and Akayeva v. Russia, 24 February 2005
- Fatal Shooting by military police of two Roma conscripts, and lack of an effective investigation – violation.
Nachova and others v. Bulgaria, 6 July 2005
- Death of an AIDS sufferer in a sobering-up cell at a police station – violation.
Tais v. France, 1 June 2006
- Failure of the police to protect the applicant's children, eventually killed by their father – violation.
Kontrová v. Slovakia, 31 May 2007

Examples of judgments delivered by the Court

Examples of judgments delivered by the Court

- Disappearance in Chechnya following Russian military commander's instruction to shoot applicant's son, and lack of an effective investigation – violation.
Bazorkina v. Russia, 27 July 2007
- Death by gradual asphyxia of a young man who was handcuffed and held face down to the ground by police officers – violation.
Saoud v. France, 9 October 2007

Article 3 prohibition of torture or inhuman or degrading treatment

prohibition of torture

- Torture in police custody – violation.
Selmouni v. France, 28 July 1999
- Torture of opposition leader and lack of effective investigation – violation.
Mammadov (Jalaloglu) v. Azerbaijan, 11 January 2007
- Force-feeding of prisoner on hunger strike in protest against prison conditions – violation.
Ciorap v. Moldova, 19 June 2007

prohibition of inhuman or degrading treatment

- Treatment inflicted on prisoners in Northern Ireland – violation.
Ireland v. the United Kingdom, 18 January 1978
- Corporal punishment consisting of three strokes of the birch by way of sentence for an assault – violation.
Tyrer v. the United Kingdom, 25 April 1978
- Decision to extradite applicant to the United States where he faced the death penalty for premeditated murder – violation.
Soering v. the United Kingdom, 7 July 1989
- Failure of the social services to remove children from parents known to be neglecting them – violation.
Z. and others v. the United Kingdom, 10 May 2001
- Conditions of detention – violation.
Kalashnikov v. Russia, 15 July 2002
- Refusal to release a prisoner with a terminal illness, and conditions of his detention, including handcuffing – violation.
Mouisel v. France, 14 November 2002
- Overpopulation in detention facility, confinement and lack of food and water – violation.
Kadiķis v. Latvia (no. 2), 4 May 2006
- Prolonged detention of the applicant, suspected of acts of terrorism, in solitary confinement – no violation.
Ramirez Sanchez v. France, 4 July 2006
- Forcible administration of emetics to a drug-trafficker in order to recover a plastic

bag he had swallowed containing drugs – violation.

Jalloh v. Germany, 11 July 2006

- Detention and expulsion of a five-year-old girl – violations.
Mubilanzila Mayeka and Kaniki Mitunga v. Belgium, 12 October 2006
- Conditions of detention of a prisoner suffering from mental disorders – violation.
Dybeku v. Albania, 18 December 2007
- Risk of ill-treatment in case of deportation to Tunisia of a terrorist who had been tried in absentia – violation.
Saadi v. Italy, 28 February 2008
- Obligation for a seventy-one year old to perform military service – violation.
Taştan v. Turkey, 4 March 2008

Article 4 prohibition of slavery and forced labour

- Obligation for a lawyer during pupillage to defend an accused without being paid – no violation.
Van der Mussele v. Belgium, 23 November 1983
- Inadequacy of French law aimed at preventing “domestic slavery” – violation.
Siliadin v. France, 26 July 2005

Article 5 right to liberty and security

- Detention of vagrants – violation.
De Wilde, Ooms and Versype v. Belgium, 18 November 1970
- Refusal to release the applicant following his acquittal – violation.
Assanidze v. Georgia, 8 April 2004
- Compulsory isolation of HIV-infected person on ground of risk of transmitting the virus to others – violation.
Enhorn v. Sweden, 25 January 2005
- Automatic extension of pre-trial detention – violation.
Svipsta v. Latvia, 9 March 2006
- Circumvention of a domestic law provision on maximum length of detention by re-detaining person ten minutes after release – violation.
John v. Greece, 10 May 2007

Article 6 right to a fair trial

- Refusal to allow a prisoner to consult a solicitor to bring a libel action against a prison officer – violation.
Golder v. the United Kingdom, 21 February 1975
- Refusal to allow representation of an absent appellant – violation.
Van Geysegem v. Belgium, 21 January 1999

Examples of judgments delivered by the Court

- Conviction for refusing to answer questions asked by the police – violation. *Heaney and McGuinness v. Ireland and Quinn v. Ireland*, 21 December 2000
- Trial of civilians by military courts in northern Cyprus – violation. *Cyprus v. Turkey*, 10 May 2001
- Effect on the presumption of innocence of statements made by a judge to the press – violation. *Lavents v. Latvia*, 28 November 2002
- Lack of impartiality of a judge on account of her husband's indebtedness to one of the parties – violation. *Pétur Thór Sigurdsson v. Iceland*, 10 April 2003
- Effect of a media campaign on the impartiality of a court – no violation. *Craxi v. Italy (no. 2)*, 17 July 2003
- Applicant declared guilty before his guilt was proven according to law – violation. *Matijašević v. Serbia*, 19 September 2006
- Lack of impartiality of a judge who had acted as legal expert of the applicant's opponent in earlier proceedings – violation. *Svarc and Kavnik c. Slovenia*, 8 February 2007
- Use at trial of statements obtained from the accused and witnesses through torture – violation. *Harutyunyan v. Armenia*, 28 June 2007
- Obligation for the keeper of a vehicle to provide information identifying the driver in the context of a prosecution – no violation. *O'Halloran and Francis v. the United Kingdom*, 29 June 2007
- Nuisance caused by a waste-treatment plant located close to the applicant's house – violation. *Lopez Ostra v. Spain*, 9 December 1994
- Dismissal of homosexuals from the armed forces following investigation into their private lives – violation. *Smith and Grady v. the United Kingdom*, 27 September 1999
- Placement of children in community where certain personnel had convictions for paedophilia – violation. *Scozzari and Giunta v. Italy*, 13 July 2000
- Systematic censorship of prisoner's correspondence by prison authorities – violation. *Messina v. Italy (no. 2)*, 28 September 2000
- Inability of a person born of anonymous parents to discover her mother's identity – no violation. *Odièvre v. France*, 13 February 2003
- Search of a lawyer's office – violation. *Roemen and Schmit v. Luxembourg*, 25 February 2003
- Noise nuisance from night flights at Heathrow airport – no violation. *Hatton and others v. the United Kingdom*, 8 July 2003
- Search of journalists' homes and workplaces and seizure of documents – violation. *Ernst and others v. Belgium*, 15 July 2003
- Absence of protection against publication of photographs taken by paparazzi – violation. *Von Hannover v. Germany*, 24 June 2004

Article 7 no punishment without law

- Conviction of former senior East German officials and a border guard, after German unification, for participating in the killing of East Germans attempting to escape to West Germany – no violation. *Streletz, Kessler and Krenz v. Germany and K.-H.W. v. Germany*, 22 March 2001

Article 8 right to respect for private and family life

- Adoption obligation for a single mother so that her daughter could enjoy the same inheritance rights as a legitimate child – violation. *Marckx v. Belgium*, 19 June 1979
- Criminal legislation prohibiting sexual relations between men – violation. *Dudgeon v. Ireland*, 22 October 1981
- Imprecision in French law concerning telephone tapping – violation. *Kruslin and Huvig v. France*, 24 April 1990
- Failure of authorities to take adequate measures to protect applicant from effects of severe pollution in vicinity of steelworks – violation. *Fadeyeva v. Russia*, 9 June 2005
- Impossibility to challenge in court legal presumption of paternity – violation. *Mizzi v. Malta*, 12 January 2006
- Travel ban because of unpaid taxes – violation. *Riener v. Bulgaria*, 23 May 2006
- Insufficiency of measures taken following international abduction of a child – violation. *Bianchi v. Switzerland*, 22 June 2006

Examples of judgments delivered by the Court

- Lack of prior environmental study and failure to suspend operation of a plant located close to dwellings and generating toxic emissions – violation.
Giacomelli v. Italy, 2 November 2006
- Refusal to perform a therapeutic abortion despite risks of serious deterioration of the mother's eyesight – violation.
Tysiac v. Poland, 20 March 2007
- Requirement of father's consent for the continued storage and implantation of fertilised eggs – no violation.
Evans v. the United Kingdom, 10 April 2007
- Refusal to register the forename "Axl" even though other requests to take that name had been granted – violation.
Johansson v. Finland, 6 September 2007

Article 9 freedom of thought, conscience and religion

- Conviction of a Jehovah's Witness for proselytism – violation.
Kokkinakis v. Greece, 25 May 1993
- Obligation of Members of Parliament to swear an oath on the Gospels – violation.
Buscarini and others v. San Marino, 18 February 1999
- Exclusion of Jehovah's Witness from profession due to conviction for failing to enlist for military service – violation.
Thlimmenos v. Greece, 6 April 2000
- Prohibition for a student to wear the Islamic headscarf at university – no violation.
Leyla ahin v. Turkey, 10 November 2005
- Employment terminated on account of religious beliefs – violation.
Ivanova v. Bulgaria, 12 April 2007

Article 10 freedom of expression

- Ban on publication of an article about pending proceedings concerning the "thalidomide children" tragedy – violation.
Sunday Times v. the United Kingdom, 26 April 1979
- Conviction of a journalist for defamation against the Austrian Federal Chancellor – violation.
Lingens v. Austria, 8 July 1986
- Ban on companies providing information to pregnant women about abortion facilities abroad – violation.
Open Door and Dublin Well Woman v. Ireland, 29 October 1982

- Conviction of a journalist for enabling a group of youths to make racist comments – violation.
Jersild v. Denmark, 23 September 1994
- Journalist ordered to disclose sources – violation.
Goodwin v. the United Kingdom, 27 March 1996
- Conviction for handling unlawfully obtained photocopies – violation.
Fressoz and Roire v. France, 21 January 1999
- Prohibition on political activity by police officers – no violation.
Rekvenyi v. Hungary, 20 May 1999
- Conviction of a publishing director and journalist for insulting a foreign head of State – violation.
Colombani and others v. France, 25 June 2002
- Imposition of a fine as a disciplinary penalty for breaching a prohibition on advertising by a medical practitioner – violation.
Stambuk v. Germany, 17 October 2002
- Prohibition on religious advertising on radio – no violation.
Murphy v. Ireland, 10 July 2003
- Detention of a journalist with a view to compelling him to disclose his source of information – violation.
Voskuil v. the Netherlands, 22 November 2007
- Search and seizure operations carried out at the home and office of a journalist suspected of corruption of a European Union official – violation.
Tillack v. Belgium, 27 November 2007
- Conviction of a journalist for the publication of a diplomatic document on strategy classified as confidential – no violation.
Stoll v. Switzerland, 10 December 2007

Article 11 freedom of assembly and association

- Obligation of candidates for public offices to declare that they are Freemasons – violation.
Grande Oriente d'Italia di Palazzo Giustiniani v. Italy, 2 August 2001
- Forcible removal of illegal immigrants occupying a church – no violation.
Cisse v. France, 9 April 2002
- Unlawful refusal to grant permission for a march and meetings to protest against homophobia – violation.
Baczkowski and others v. Poland, 11 January 2006

- Obligation to join trade union as condition of employment – violation.
Sørensen and Rasmussen v. Denmark, 3 May 2007

Article 12 right to marry

- Temporary prohibition on remarriage after divorce, imposed on the spouse considered responsible for the breakdown – violation.
F. v. Switzerland, 18 December 1987
- Impossibility for transsexuals to marry – violation.
Christine Goodwin v. the United Kingdom, 11 July 2002
- Prohibition on marriage between father-in-law and daughter-in-law while either of their former spouses still alive – violation.
B. and L. v. the United Kingdom, 13 September 2005

Article 13 right to an effective remedy

- Lack of effectiveness of domestic remedies concerning length of judicial proceedings – violation.
Sürmeli v. Germany, 8 June 2006
- No remedy whereby transfer of a civil servant by governor of state-of-emergency region could be challenged – violation.
Metin Turan v. Turkey, 14 November 2006
- Lack of remedy enabling a prisoner to challenge a refusal to forward correspondence – violation.
Frérot v. France, 12 June 2007

Article 14 prohibition of discrimination

- Absence or insufficiency of French teaching in municipalities located within a "Dutch-speaking" region – violation.
"Belgian linguistic" case v. Belgium, 23 July 1968
- Aliens refused permission to remain with or join their spouses who were settled in the United Kingdom – violation.
Abdulaziz, Cabales and Balkandali v. the United Kingdom, 28 May 1985
- Withdrawal of parental rights from a mother because she belonged to the Jehovah's Witnesses – violation.
Hoffmann v. Austria, 29 June 1993
- Refusal to grant an handicapped adult allowance to a foreign national – violation.
Koua Poirrez v. France, 30 September 2003
- Exclusion of former KGB officers from

employment in certain private sector spheres – violation.
Sidabras and Džiautas v. Lithuania, 27 July 2004

- Failure to carry out an effective investigation into racist attack on a member of the Roma – violation.
Sečić v. Croatia, 31 May 2007

- Placement of Roma gypsy children in "special" schools – violation.
D.H. and others v. Czech Republic, 13 November 2007

- Refusal to grant approval for the purposes of adoption, on the ground of the applicant's life-style as a lesbian living with another woman – violation.
E.B. v. France, 22 January 2008

Article 34 individual applications

- Denial of access to detained applicant and his medical file – violation.
Boicenco v. Moldova, 11 July 2006
- Prisoner intimidated by illicit pressure from State officials – violation.
Popov v. Russia, 13 July 2006
- Failure to comply with an indication by the Court not to extradite the applicant – violation.
Olaechea Cahuas v. Spain, 10 August 2006
- Criminal proceedings brought against chief executive officer and his detention ordered with aim to discourage his company from pursuing its application before the Court – violation.
Oferta Plus S.R.L. v. Moldova, 19 December 2006

Article 38 examination of the case and friendly settlement proceedings

- Government's repeated failure to submit documents requested by the Court – violation.
Imakayeva v. Russia, 9 November 2006
- Refusal by Government to disclose documents from ongoing investigation into an abduction and killing by servicemen or into allegations of harassment of the applicants – violation.
Akhmadova and Sadulayeva v. Russia, 10 May 2007
- Government's refusal to disclose documents from ongoing investigations into the disappearance of the applicant's relatives in Chechnya during military

Examples of judgments delivered by the Court

Examples of judgments delivered by the Court

operations – violation.
Kukayev v. Russia and Khamila Isayeva v. Russia, 15 November 2007

Article 1 of Protocol No. 1 protection of property

- Maintaining of expropriation permit and prohibition on construction for a long period of time – violation.
Sporrong and Lönnroth v. Sweden, 23 September 1982
- Impossibility for an applicant to access her property because of the occupation of northern Cyprus by Turkish forces – violation.
Loizidou v. Turkey, 23 March 1995
- Obligation of land-owners to allow hunting on their property – violation.
Chassagnou and others v. France, 29 April 1999
- Annulment by the Supreme Court of Justice of judgment restoring nationalised property – violation.
Brumarescu v. Romania, 28 October 1999
- Pre-emptive right of the State over a work of art several years after its purchase through an intermediary without the proper declaration being made – violation.
Beyeler v. Italy, 5 January 2000
- Discrimination against children of adulterous relationships with regard to inheritance rights – violation.
Mazurek v. France, 1 February 2000
- Failure of the State to fulfil an obligation to provide property in compensation for immovable property abandoned at the end of the Second World War – violation.
Broniowski v. Poland, 22 June 2004
- Impossibility of recovering property or obtaining adequate rent from tenants – violation.
Hutten-Czapska v. Poland, 19 June 2006
- Setting aside of a trade mark registration – no violation.
Anheuser-Busch Inc. v. Portugal, 11 January 2007

Article 2 of Protocol No. 1 right to education

- Suspension of a pupil who refused corporal punishment as a disciplinary measure in a State school – violation.
Campbell and Cosans v. the United Kingdom, 25 February 1982
- Refusal to grant full exemption from instruction in Christianity, religion and philosophy in State primary schools – violation.
Folgerø and others v. Norway, 29 June 2007

- Refusal to exempt a State school pupil whose family was of the Alevi faith from mandatory lessons on religion and morals – violation.
Hasan and Eylem Zengin v. Turkey, 9 October 2007

Article 3 of Protocol No. 1 right to free elections

- Exclusion of Gibraltar from European Parliamentary elections – violation.
Matthews v. the United Kingdom, 18 February 1999
- Obligation for candidates to the national Parliament to have an adequate command of Latvian – violation.
Podkolzina v. Latvia, 9 April 2002
- Refusal to register the applicant on the electoral roll, because he was a member of the Turkish-Cypriot community – violation.
Aziz v. Cyprus, 22 June 2004
- Disenfranchisement of convicted prisoners – violation.
Hirst v. the United Kingdom (no. 2), 6 October 2005
- Former leading member of Soviet era Communist party disqualified as a parliamentary candidate – no violation.
Zdanoka v. Latvia, 16 March 2006
- Member of Parliament prohibited from carrying on a professional activity – violation.
Lykourazos v. Greece, 15 June 2006

Article 2 of Protocol No. 4 freedom of movement

- Restrictions on movement of Turkish Cypriots – violation.
Denizci and others v. Cyprus, 23 May 2001
- Confiscation of passport by a customs officer and failure to return it until two years later – violation.
Napijalo v. Croatia, 13 November 2003
- Inability to travel abroad as a result of an entry arbitrarily made in passport – violation.
Sissanis v. Romania, 25 January 2007

Article 4 of Protocol No. 4 prohibition of collective expulsion of aliens

- Collective expulsion of Slovak Gypsies – violation.
Čonka v. Belgium, 5 February 2002

Provisional Edition (April 2009)

European Court of Human Rights
Council of Europe
67075 Strasbourg-Cedex
France

www.echr.coe.int