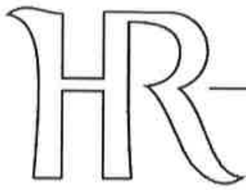

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VICTORS JERONOVIČS V. LATVIA

(Application No. 44898/10)

WRITTEN COMMENTS

BY

HELSINKI FOUNDATION FOR HUMAN RIGHTS[1]

11 MAY 2015

I. INTRODUCTION

These written comments are submitted by the Helsinki Foundation for Human Rights (hereinafter referred to as **"HFHR"**) with its seat in Warsaw, Poland at Zgoda Str. 11, pursuant to a leave granted to HFHR by the President of the Chamber of the European Court of Human Rights (the **"Court"**, **"ECtHR"**) under Rule 44 § 2 of the Rules of the Court.

These comments are limited only to the points of law and, in particular, the circumstances in which the unilateral declaration mechanism should be applied. The case of Viktors Jeronovičs

[1] The third party intervention was written by Dominika Bychawska-Siniarska, lawyer of the Helsinki Foundation for Human Rights. The cases presented in the intervention were provided by Piotr Filip Micula (Helsinki Foundation for Human Rights), Tivadar Hutt (Hungarian Civil Liberties Union), Roberto Benito, Elena Aschenko (Kharkiv Human Rights Protection Group), Vladislav Gribincea and Pavel Grecu (Legal Resources Centre from Moldova), Nuala Mole (AIRE Centre), Constantin Cojocariu, Theo Alexandridis and Panayote Dimitras (Greek Helsinki Monitor), Balazs Toth (Hungarian Helsinki Committee) and Anton Burkov (Urals Center for Constitutional and International Human Rights Protection of the NGO Sutyajnik).

00-018 Warszawa, ul. Zgoda 11; tel.: (48 22) 556-44-40, fax: (48 22) 556-44-50; e-mail: hfhr@hfhr.org.pl, www.hfhr.org.pl
NIP: 525-12-61-255, konto: PKO BP SA I O/Centrum 58 1020 1013 0000 0502 0002 9165, swift: BPKOPLPW

reveals the problem of misuse of unilateral declarations by the governments. The Helsinki Foundation for Human Rights accepts the unilateral declaration as a relevant mechanism to speed-up the judicial process in cases where a well-established domestic case law exists. The Brussels Declaration, "encourages the States Parties to give priority to alternative procedures to litigation such as friendly settlements and unilateral declarations".[2] However, concerns should be raised as to the nature of cases in which governments present unilateral declarations. The increase of the number of cases leads to some serious abuses of the use of unilateral declarations by Governments, expanding the recourse to this instrument from repetitive to strategic cases, where the case law has not been yet established.

II. INTEREST OF THE HELSINKI FOUNDATION FOR HUMAN RIGHTS

The HFHR is a non-governmental organization established in 1989 by members of the Helsinki Committee in Poland, in order to promote human rights and rule of law in Poland as well as to contribute to the development of an open society in Poland. One of the activities of the HFHR includes legal actions undertaken in the public interest, including the representation of parties and preparation of legal submissions to national and international courts and tribunals. The aim of such submissions is to influence the process of changing laws and practices that we find contrary to human rights. The HFHR has an established practice as regards the submission of third party interventions to the European Court of Human Rights and in representing victims in proceedings before the Court.

Following different cases pending before domestic courts in Poland and the ECtHR constitutes one of the statutory goals of the HFHR. The case of Viktors Jeronovičs reveals the problem of misuse of unilateral declarations by the Government. The Helsinki Foundation for Human Rights in its litigation practice have had cases which fell outside the scope of well-established case law struck out of the list of cases due to unilateral declarations. Moreover, we have been underlining the problem of abuse of unilateral declarations in letters and submissions to the Registry on couple of occasions[3].

III. PURPOSE OF UNILATERAL DECLARATIONS

Unilateral declarations were introduced in order to settle the problem of backlog of pending cases before the Court. Their aim was to settle, before the judgment, cases concerning systemic, repetitive violations ("clone cases"), in which the Court's case law is well established. The Interlaken declaration stressed the interest in increasing the recourse to unilateral declaration as a manner to tackle the growing amount of pending cases.

Unilateral declarations are the Government's commitment, lodged at every stage of the proceedings, acknowledging the violation of the European Convention on Human Right ("**ECHR**") and declaring the will to pay just satisfaction to the applicant. The acknowledgement of the violation by the Government is usually relatively vague. The ECtHR considers the relevance of the declaration and the amount of just satisfaction attributed. If the amount of just satisfaction is conform with the amount that the Court would attribute in a

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[2] High-level Conference on the „Implementation oft he European Convention on Human Rights, our shared responsibility", Brussels Declaration, 27 March 2015.
[3] Please see section IV of the amicus curiae for details of HFHR submissions.

similar case, the ECtHR will accept the unilateral declaration and issue a strike out decision (Rule 43 of the Rules of the Court)[4]. The applicant during the proceedings is given an opportunity to oppose the unilateral declaration; however, the Court is not bound by the applicant's position.

In practice and under Rule 62A of the Rules of the Court unilateral declarations are usually presented by governments after an unsuccessful friendly settlement attempt, when the applicant refused to settle the case. The transmission by the ECtHR Registry of the friendly settlement proposal to the applicant is a clear signal for the government that the proposed settlement amount is acceptable to the Court and conform with the sum usually attributed in similar cases. Therefore, in such a situation the government will be tempted to lodge an unilateral declaration[5].

The proceedings relating to unilateral declarations are particularly unfavorable when the unilateral declaration is proposed by the government directly after the applicant refused to settle the case under rule 43 of the Rules of the Court (friendly settlement). The applicant, despite giving a clear message that he or she is willing to proceed with the case and is not satisfied with the amount of the settlement, is seeing his or her case stroke out. Sometimes it may also create a difficult situation between the applicant and its representative, as it is highly difficult to rationally explain such an approach of the Court.

From the litigation perspective and the applicants it is worth noting, that the Court developed a practice to add in strike out decisions, along with the government declaration, some obligations. In the case *Sroka v. Poland*[6] the Court reiterated the possibility for the applicant of reopening the case at the national level, stating that the Court's decision should be perceived as an international ruling. Such practice have no legal basis, however, is crucial for the potential redress steps to be taken at the national level after the ECtHR decision.

IV. BASIS OF UNILATERAL DECLARATIONS

According to Rule 62A of the Rules of the Court, a contracting party may request a case to be struck out of the list of cases via unilateral declaration, pursuant to Article 37 § 1 of the ECHR. Section (c) of this Article allows an application to be struck *"for any other reason established by the Court."* *"However, the Court shall continue the examination of the application, if respect for human rights as defined in the Convention and the Protocols thereto so requires."*

The conditions under which the Court can accept a unilateral declaration have been defined gradually in the case law. The first attempt to introduce a unilateral declaration was in the case of *Murat Akman v. Turkey,* concerning a violation of art. 2 of the Convention[7]. The unilateral declaration was refused by the Court, which in its judgment listed a number of

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[4] Helen Keller, Magdalena Forowicz and Lorenz Engi, Friendly Settlements Before the European Court of Human Rights: Theory and Practice, Oxford University Press, 2010, p. 110.
[5] Uğur Erdal, Hasan Bakirci, Sir Nigel Rodley, Article 3 of the European Convention on Human Rights: A Practivioner's Handbook, OMCT 2006, p. 201.
[6] *Sroka v. Poland,* Application No. 42801/07, decision of 6n March 2012.
[7] *Murat Akman v. Turkey,* Application No.37453/97, judgment of 26 June 2001.

"relevant factors" that must be taken into account when deciding whether a unilateral declaration may be a valid reason for a strike-out decision:

(1) the nature of the complaint (whether well-established case law exist);

(2) the measures taken by the government in the implementation of judgments in previous, similar cases;

(3) the impact of these measures on the case law at issue;

(4) whether the facts are in dispute between parties;

(5) whether in the unilateral declaration the government made any admission in relation to the alleged violation and the scope of such an admission, as well as the scope of the redress to be provided to the applicant[8].

Moreover, in *Tahsin Acar v. Turkey* the Grand Chamber confirmed the safeguards of art. 37 of the ECHR: "*relevant factors in this respect include the nature of the complaints made, whether the issues raised are comparable to issues already determined by the Court in previous cases, the nature and scope of any measures taken by the respondent Government in the context of the execution of judgments delivered by the Court in any such previous cases, and the impact of these measures on the case at issue*".

The Grand Chamber particularly stressed that the Court "shall continue the examination of the application if respect of human rights ... so requires"[9]. Therefore, not only should the applicant's personal circumstances be taken into account by the Court, but also the case's potential for influencing general standards of human rights protection across Europe. This general safeguard was developed by the Court in *Karner v. Austria*[10]. The Court decided to continue the case despite the fact that the applicant died, as its main duty is to "elucidate, safeguard and develop the rules instituted by the Convention" throughout the Continent[11].

As mentioned above, in practice, and according to rule 62A of the Rules of the Court, unilateral declarations are usually presented by states after an unsuccessful friendly settlement attempt, when the applicant has refused to settle the case. The transmission by the Court Registry of the friendly settlement proposal to the applicant is a clear signal for the state that the proposed settlement amount is acceptable to the Court and conforms to the sum usually awarded in similar cases. In such situations the state may be tempted to lodge a unilateral declaration[12]. However, in their joint concurring opinion in *Tahsin Acar v. Turkey*, Bratza, Tulkens and Vajiç JJ. warned that, "such a procedure should be an exceptional one, and, in any event, cannot be used to circumvent the applicant's opposition to a friendly settlement"[13].

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[8] Christos L. Rozakis, "Unilateral declarations as means of settling human rights disputes: a new tool for the resolution of disputes in the ECHR's
procedure, in Marcelo G. Kohen, *Promoting Justice, Human Rights and Conflict Resolution Through International Law* (Martinus Nijhoff, 2007),
pp.1003–1014.
[9] *Tahsin Acar v Turkey,* Application No.26307/95, judgment of 8 April 2004.
[10] *Karner v Austria,* Application.= No.40016/98, judgment of 24 July 2003.
[11] Rozakis, in Marcelo G. Kohen, *Promoting Justice, Human Rights and Conflict Resolution Through International Law*, pp.1003–1014.
[12] Helen Keller, Magdalena Forowicz and Lorenz Engi, *Friendly Settlements before the European Court of Human Rights. Theory and Practice* (Oxford University Press, 2010), pp.133–134 and 146.
[13] Myjer, in Lucius Caflisch and Luzius Wildhaber, *Liber amicorum Luzius Wildhaber: Human Rights, Strasbourg Views*, pp.309–327.

Unilateral declarations and friendly settlements can be an appropriate way to efficiently address many applications in which a Convention violation is clear, and in particular those raising issues on which there is a well-established case law, including judgments against another state. However, the lack of strict rules in the selection of cases for unilateral declarations, combined with the raising amount of strike out decisions based on unilateral declaration can be observed in Polish cases[14]. These proceedings and their eventual consequences are difficult to explain to applicants. Moreover, the lack of the possibility of an appeal, contrary to the situation of judgments (which may be referred to the Grand Chamber) is detrimental to the applicants. This undermines the ECtHR authority and confidence among applicants, especially in countries which are relatively new to the Convention system. The information provided by the ECtHR which accompanies decisions to strike out the case is insufficient and confusing to the applicants.

The HFHR in letters addressed to the Registry[15] and in official consultations on the occasion of the reform process[16] underlined the need to incorporate the standards coming from the Court case law into the Rules of the Court. Having clear guidelines in the Rules would eliminate the inconsistencies in practice of acceptance of unilateral declarations between the chambers.

V. ABUSE OF UNILATERAL DECLARATIONS

The HFHR is concerned with the expansion of the use of unilateral declarations to different types of cases, also those that are important and might have a great impact on abusive practice or reveal bad legislation. To HFHR's initial understanding, unilateral declarations were designed in order to cope with the backlog of cases and should be used in respect of repetitive cases[17]. However, with the passage of time we observe the expansion of the use of unilateral declarations to other, more serious cases. The lack of strict rules provokes the government to try to strike out important cases by the use of unilateral declaration.

According to the Information Document, prepared by the Department for the Execution of Judgments of the ECtHR (DG-HL) regarding the entry into force of the Protocol 14, in 2009 the Court took 167 decisions of this type and 48 such decisions were taken up to 1 April 2010. In 2011 as many as 1512 applications were struck out of the list of cases by means of the Court's decision following a friendly settlement or unilateral declaration. In the case of some countries, e.g. Poland, such decisions mostly followed unilateral declarations. In the Fourth Section that includes Poland the number of cases struck out of the list of cases increased from 275 in 2010[18] to 354 in 2011[19]. This number continue to grow over 2012, 2013 and 2014. The

[14] Helen Keller, Magdalena Forowicz and Lorenz Engi, *Friendly Settlements* ... op.cit., p. 146.

[15] E.g. letter adressed by the HFHR to Registrar Erik Frieberg on 27 August 2012, available at: http://www.europapraw.org/files/2012/08/UDs_Frieberg.pdf

[16] The HFHR submissions in the consultations conducted by the Council of Europe on "Longer-term future of the system of the European Convention on Human Rights and the European Court of Human Rights. The consultations were open to civil society and experts in January 2014, the submissions are available at: http://www.coe.int/t/dghl/standardsetting/cddh/reformechr/GT-GDR-F/Bodnar.pdf

[17] Memorandum of the President of the European Court of Human Rights to the states with the view to preparing the Interlaken process from 3 July 2009.

[18] Registry of the European Court of Human Rights, Annual report 2010, Strasbourg 2011.

[19] Registry of the European Court of Human Rights, Annual report 2011, Strasbourg 2012.

number of applications struck out, in a decision or a judgment, following a friendly settlement or a unilateral declaration, increased by 16% in 2014 (2,198 compared to 1,890 in 2013)[20].

There are situations when unilateral declarations are used in cases in which, besides repetitive violations (e.g. length of detention), other complaints are raised. An example is a complaint of a prisoner which complains on overcrowding in the detention facility and to other violations, such as mistreatment and lack of effective investigation. Such cases are often qualified as repetitive, due to the overcrowding complaint, without taking into account, other serious violations.[21] The common use of unilateral declarations may lead to situations where cases revealing systemic problems, but also revealing other (detailed and nuanced violations) tend to be treated by the ECtHR as repetitive. This gives an impression that the ECtHR forces the parties to arrange the case through a friendly settlement or through a unilateral declaration.

In Polish reality this would be the case for overcrowding in prisons[22], pre-trial detention[23], revocation of the so-called "EWK" pensions[24], length of proceedings[25], censorship of correspondence[26] or lack of independence of assessors[27]. However, the practice shows that the Court have been accepting unilateral declarations in cases, that in our opinion, should deserve for a greater Court's scrutiny. In the past the Court accepted unilateral declarations in cases where there is no well-established domestic case law:

- art. 2 cases, e.g. *Osuch v. Poland,* Application no. 78205/11 (failure to conduct an effective investigation in case of murder);
- art. 3 cases, e.g. *B.J. and S.J. v. Poland,* Application no. 52520/12 (lack of effective investigation in a juvenile rape case), *Milczarek v. Poland,* Application no. 11921/09, *Prądzyński v. Poland,* Application no. 49284/10, *Majkowski v. Poland,* Application no. 32272/11 (ill-treatment by the police);
- art. 3 and 8 cases, e.g. *Kaliszczak v. Poland,* Application no. 60389/11 (lack of investigation in case of sexual abuses of a minor);
- art. 10 cases, e.g. *Święch v. Poland,* Application no. 60551/11 (civil defamation), Kopeć v. Poland, Application no. 34661/10 (criminal defamation).

The strike out decision in precedential cases occur not only in Polish cases, but could also be observed in other countries. The Court accepted unilateral declarations in the following cases, where there was no well-establish case law and where, in the HFHR view, the interest of human rights justified the pursuit of the case:

- *Gergely v. Romania*, Application no. 57885/00 and Kalanyos and others v. Romania, Application no. 57884/00, the cases concerned the lack of investigation into the burning and destruction of Roma houses, art. 3, 8 and 14 were raised in those cases;

[20] Registry of the European Court of Human Rights, Annual report 2014, Strasbourg 2015.
[21] E.g. case *Sirbu v. Moldova*, application no. 44200/06, decision of 6 March 2012.
[22] E.g. *Wenerski v. Poland*, application no. 44369/02, judgment of 20 January 2009.
[23] E.g. *Iłowiecki v. Poland*, application no. 27504/95, judgment of 4 October 2001.
[24] *Moskal v. Poland*, application no. 10373/05, judgment of 15 September 2009.
[25] E.g. *Grzona v. Poland*, application no. 3206/09, judgment of 24 June 2014.
[26] E.g. *Michta v. Poland*, application no. 13425/02, judgment of 4 May 2008.
[27] E.g. *Urban v. Poland*, application no. 23614/08, judgment of 30 November 2010.

- *Sergeyeva v. Ukraine*, Application no. 402/06, the case concerned the lack of investigation into a HIV infection in the hospital, art. 2 and 6 were raised in this case;
- *Sirbu v. Moldova*, Application no. 44200/06, lack of investigation into police brutality in detention, art. 3 was raised in this case;
- *Yedigaryan v. Armenia*, Application no. 10446/05 and *Yeranosyan v. Armenia*, Application no. 3309/06, forced eviction and demolition of a house in Yerevan, art. 1 of Protocol 1 was raised in both cases;
- *Ionel v. Moldova*, Application no. 24032/08, unlawful arrest, art. 5 par. 1 c and par. 3 were raised;
- *Rokhlya v. Ukraine*, Application no. 46014/07, forced eviction of a flat and lack of compensation, leaving conditions, art. 1 of Protocol 1 and art. 8 of the ECHR were raised.

It should be noted that in cases concerning art. 6 where there is a proposal of unilateral declaration, to our knowledge, the Government while taking a decision to propose an unilateral declaration is not consulting the judiciary in that respect. In the HFHR opinion such a practice violates the principle of separation of powers. The government taking the decision to admit the ECHR violation in such cases steps in the constitutional competences attributed to courts and judges. Such practice may create potential negative consequences. One may imagine that the applicant, on the basis of a unilateral declaration made by the Government confirming human rights' violation committed by courts, is later on bringing a lawsuit against the state (and courts) for damages.

One of the conditions for the unilateral declaration to be accepted by the Court is that it should provide the applicants with an adequate redress for a human rights' violation. Usually the measures proposed by the government in their unilateral proposal does not fully cover the damages suffered by the applicant. The reopening of the case is one of the most effective redress. The reopening and an eventual acquittal enable the applicants to pursue a normal life after the violation. In some of the jurisdictions, including Poland, there are no legal grounds for reopening the civil proceedings with respect to cases struck out of the list of cases. In criminal proceedings, on the basis of art. 540 § 3 of the Criminal Proceedings Code, it is unclear whether there is a possibility to reopen a case at the national level on the basis of a decision to strike a case out from the list of Court's cases. According to art. 540 § 3 of the CPC there is a possibility to reopen a case after 'a judicial decision of an international body, functioning on the basis of the international agreement ratified by Poland'. It is in the national courts discretion, whether a decision to strike out a case based on an unilateral declaration would enable to reopen the case and to sick rehabilitation by the applicants. The ECtHR's judgements are therefore the only chance of a full redress removing the burden of the domestic judgements breaching the Convention which is available for the applicants, having much greater impact than the unilateral declaration.

In the case of Jeronovics the rehabilitation of the violation of the Applicant's rights would only be possible by the re-examination of his case by the national prosecution authorities. According to the Committee of Ministers recommendation, Contracting Parties should ensure "that there exist adequate possibilities of re-examination of the case, including reopening of

proceedings"[28]. Although most of the Member States have introduced such procedural possibility, they are not effective, when the Court strikes out a case based on an unilateral declaration. As mentioned above in most of the jurisdictions the reopening of the proceedings are possible only after an ECtHR judgment finding violation of the Convention. The national legislator have not foreseen a possibility to re-examine the case based on a strike out decision. The reopening of a case at the national level, based on a strike out decision is uncertain, despite the acknowledgement of the violation of the Convention by the government. In such situation, the Court should underline in the strike out decision, as was the case in *Sroka v. Poland*, the need to re-examine the case at the national level. The Applicant, as most of the complainants, by lodging an application with the ECtHR is not seeking financial compensation or just-satisfaction, but an individual justice and redress. Therefore, individual measures at the implementation stage are crucial for the applicants. Unilateral declarations are hindering the individual redress, especially, when they are applied in cases which reveal serious and precedential violations, which require a re-examination at the national level.

VI. SUPERVISION OVER UNILATERAL DECLARATIONS

According to Rule 43 of the Rules of the Court, "[i]f an award of costs is made in a decision striking out an application which has been declared admissible, the President of the Chamber shall forward the decision to the Committee of Ministers". In the ECtHR case-law this Rule has been interpreted broadly, so as to include any payments that were awarded to the applicant in the Court's decision, including decisions regarding unilateral declarations. However, no such provisions were made for other terms and obligations constituted by the Court's decisions regarding unilateral declarations.

Protocol 14 to the ECHR extended the Committee of Ministers' responsibilities to the supervision of the Court's decisions about friendly settlements. This provision's aim was to enhance the efficiency of the Court (and the Council of Europe) in protecting human rights and, in particular, in resolving the structural problems leading to the repetitive violations of human rights. Friendly settlements and unilateral declarations may effectively contribute to the reduction of the backlog of the Court and they may increase the Court's efficiency, as expressed in the Interlaken Declaration.

On the literal interpretation of Rule 43 par. 4 of the Rules of the Court, the supervision of the Committee of Ministers is possible only if the decision was accompanied by a resolution on the costs. It means that any decision which did not touch upon the problem of costs will not be transmitted to the Committee of Ministers. These concerns were raised by one of the HFHR lawyers, Dominika Bychawska-Siniarska, in an article published in 2012 in European Human Rights Law Review[29].

In the face of the growing number of applications resolved by unilateral declarations, it would be in the spirit of the aforementioned changes and the reform of the ECtHR to further extend the responsibilities of the Committee of Ministers to include the supervision of the execution of the Court's decisions based on unilateral declarations, especially in cases where the Court's

[28] Recommendation No. R (2000) 2 of the Committee of Ministers to member states on the re-examination or reopening of certain cases at the domestic level following judgments oft he European Court of Human Rights, 19 January 2000.

[29] D. Bychawska-Siniarska, *Unilateral Declarations: The Need for Greater Control*, European Human Rights Law Review, Issue 6, 2012.

decision has gone beyond the strict text of the declaration and referred to the possibility to reopen proceedings. By the moment procedural changes are introduced the ECtHR should scrutinize with due diligence all the cases in which the governments are proposing unilateral declarations. This would eliminate situations, where strike outs are effectuated on cases which demonstrate a major violation of precedential nature and should not be considered as well-established case law cases.

Furthermore, we are of the opinion that the supervision of the Committee of Ministers, which can often prove crucial to ensure effective and reliable execution of the Court's decision, should not be dependent on the purely procedural matter, such as whether the admissibility decision on the case had been made before a friendly settlement or unilateral declaration was proposed and thus whether a judgment on the application was made. Moreover, if a friendly settlement is proposed after an admissibility decision, according to Article 39 par. 4 of the Convention the Committee of Ministers will have the supervision powers over the Court's decision. In the relevant regulations there is a loophole regarding unilateral declarations accepted by the ECtHR but preceded by an admissibility decision. On the literal interpretation of Rule 43 par. 4 of Rules of the Court, the supervision of the Committee of Ministers is possible only if the decision was accompanied by a resolution on the costs. It means that any decision which did not touch upon the problem of costs will not be transmitted to the Committee of Ministers.

Having in mind the coherence and consistency of the Court's proceedings and the execution of its judgments, we would wish only cases which show no precedential nature and where the governments have already proposed action plans on implementation to be stroke out based on unilateral declarations. The HFHR believes, that due to the procedural loophole, the Court should take precaution measures in order to accept unilateral declarations only in cases where an established judicial practice exist and where governments had the occasion to present a detailed action plan in other similar cases (often regrouped by the Committee of Ministers under a same type of problem and violation).

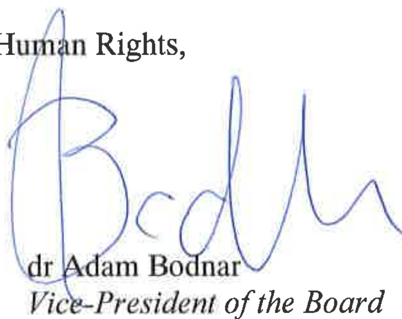
VII. CONCLUSIONS

The case *Jeronovics v. Latvia* give a perfect occasion to the Court to confirm and develop the rules governing the possibility to strike out a case based on an unilateral declaration. The Court developed a number of requirements enabling a case to be stroke out of the list of cases based on an unilateral declaration. The Court needs to take into account (1) the nature of the complaint (whether well--established case law exist); (2) the measures taken by the government in the implementation of judgments in previous, similar cases; (3) the impact of these measures on the case law at issue; (4) whether the facts are in dispute between parties; (5) whether in the unilateral declaration the government made any admission in relation to the alleged violation and the scope of such an admission, as well as the scope of the redress to be provided to the applicant. As observed by the HFHR and a number of organizations litigating before the Court, in practice, the requirement concerning the nature of the complaint, the existence of well-established case law, as well as the impact of the case into human rights protection systems are not always duly considered by the Court.

The present case gives an opportunity to the Court to oppose to the practice of using unilateral declarations in cases that are precedential in the Court's case-law and important for the development of domestic jurisprudence. The HFHR experience show that such practice

constitutes a serious obstacle to the effective domestic implementation of the Strasbourg Court's decisions. That is because the Committee of Ministers cannot fully monitor their execution and due to the fact that the legal consequences of not complying with the terms of a unilateral declaration are not clearly stated in the ECHR or Rules of the Court. Therefore, in consequence, states are not motivated to address the root causes of human rights violations.

On behalf of the Helsinki Foundation for Human Rights,



dr Adam Bodnar
Vice-President of the Board