

EUROPEAN UNION LAW

What defines Europe?

We can take the geographical criteria but that is difficult to assess, therefore the common Culture and History seems more crucial. The Democracy, seen as democracy from a western conception with free elections and political pluralism are values shared in Europe. The Rule of Law, with an independent and free legal system and protection of the Human rights also defines Europe (one must be able to bring a complaint against the State).

THE COUNCIL OF EUROPE

The Council of Europe is an international organization whose stated aim is to uphold in Europe:

- Human rights
- Democracy
- The rule of Law

Founded in 1949, it has 47 Member States, with a population of approximately of 820 million European citizens, and operates with an annual budget of approximately 500 million euros. Unlike the EU, the Council of Europe cannot make binding laws, but it does have the power to enforce international agreements reached by the European states. The best body of the Council of Europe is the European Court of Human rights which enforces the European Convention of Human rights; all 820 million people across the continent have the ultimate right to petition it because each of the 47 member states has ratified the European Convention on Human rights.

The Council of Europe was created during an unstable period in world history. Europe had just left the Second World War behind. Without really catching the breath, the continent was drawn into the cold war that gradually built up between the Soviet Union and the United States. Europe was once again divided; this time between east and west. It was in the light of these strained international conditions that the creation of the Council of Europe accelerated. It was with the Treaty of London in 1949 that the Council of Europe was created.

Nearly all the European States have acceded to the Council of Europe, with the exceptions of:

- Belarus (because they still have the death penalty and the right to life remains an unconditional right for the European Convention of Human rights which cannot permit a State the 'license to kill')
- The Vatican City (it is a theocracy and just an observer)
- Kazakhstan (Human rights concerns)
- Other states that have a limited recognition (such as the Republic of Kosovo)

The Council of Europe is not to be confused with the Council of the European Union (which is the 'Council of Ministers' itself) or the European Council, as these two belong

to the European Union which is separate from the Council of Europe although they share the same European flag and anthem since 1980 because they both work for European integration. The Council of Europe therefore, is an entirely separate body from the European Union and it not controlled by it. Since 1955, used as its official symbol the European flag with 12 golden stars arranged in a circle on a blue background.

What do they aim for? The Council of Europe advocates freedom of expression and of the media, freedom of assembly, equality, and the protection of minorities. It has launched campaigns on issues such as child protection, online hate speech, and the rights of the Roma, Europe's largest minority. The Council of Europe helps member states fight corruption and terrorism and undertake necessary judicial reforms. Its group of constitutional experts, known as the Venice Commission, offers legal advice to countries throughout the world. The Council of Europe promotes human rights through international conventions, such as the Convention on Preventing and Combating Violence against Women and Domestic Violence and the Convention on Cybercrime. It monitors member states progress in these areas and makes recommendations through independent expert monitoring bodies. Council of Europe member states no longer apply the death penalty. The Council of Europe also works in close partnership with the European Union, and co-operates with the United Nations, the Organization for Security and Co-operation in Europe, and with partner countries in its neighbourhood and worldwide.

The action of the Council of Europe is founded on two major legal instruments that remain the living roots which the organisation grows:

- The European Convention on Human rights (the Convention)
- The European Social Charter

The European Convention of Human Rights (1950) is compulsory to ratify for the member States. The Convention guarantees 3 categories of rights.

1. **Unconditional rights:** This are rights that are not possible for the states to derogate or infringe upon because they are considered as an indispensable component of modern Europe.
 - First we have the right to life (Art. 2) that outlaws the death penalty, because the State cannot have the right to kill an individual in order to punish them for their crimes, it is seen as a core value in our democratic society because it has also been proven that the imposition of death penalty does not decrease the lethal crimes in a society. The more the State is violent towards the citizens, the more violent society is going to be.
 - It also prohibits torture (Art. 3), the idea behind this is that torture is not only a moral problem but it is also a problem based on efficiency. If you torture an individual in order to get information from them it is not efficient because that individual is going to say what you want to hear in order to stop its suffering, that is why is considered that it is also not an efficient mechanism to get information. The moral problem behind the prohibition of torture lies on the idea that the fact of provoking cruel suffering to an individual it is never the answer in a democratic society because it walks away from the concept of humanity on

which civilization is based, there is no exceptions on the infringement of torture or inhuman treatment.

- Forced labour is also prohibited (Art. 4), for example if you are in jail you cannot get forced to work but you can in a way to reduce your sentence. This article also collects the prohibition of slavery in the sense that the State should protect you from slavery, because it is mandatory for the state to guarantee this protection and it does not matter that you are not a national or that country because if you are residing in that country the state has to protect you (you have to complain to the judge of that national state).
 - It is also an unconditional right that there cannot be a punishment without law (Art. 7).
2. Conditional rights: they can be limited by the State in the basis of some provisions and important matters. Such matters are, for example: public safety, national security, the prevention of disorder crime, the protection of health or morals, or the protections of the rights and freedom of others. (Art. 5, 8, 9,10,11,12,14)
- For example the right of liberty and security, as an example the state can be more restricted and ask more security measures if they believe there is a potential threat to the nation or society. (Art. 5)
 - The right to respect for private and family life (Art. 8), as an example people that put themselves in the public eye as for example celebrities or people who assume a political role they private matters might be more exposed in the news as it is considered on the matter of 'relevant information' for being for example
 - Freedom of thought, conscience and religion (Art. 9) can be restricted for example if you do any propaganda of a Nazi regime, this should be restricted and prohibited by the state.
 - Freedom of expression (Art. 10) and Freedom of assembly and association (Art.11) can be restricted with the same example that we saw above, as you can't publish in a newspaper comments in favour of the Nazi holocaust or you can't assembly If you are going to associate if you are going to enhance the figure of Hitler.
 - The right to marry can also be restricted (Art.12) for example to prevent children marriages or forced marriages.
 - The prohibition of discrimination (Art. 14) is a right that can also be 'restricted because although this prohibition exists, the State can grant some exceptions for example on the basis of 'positive discrimination' in order to foment the position of women in leader charges.
3. Procedural rights: They protect the individual during a procedure. Here we can also include the At. 7 of no punishment without law although it is considered as well by the Council of Europe to be an unconditional right. (Art. 6,7,13)
- The right of a fair trial (Art. 6) guarantees procedural right of parties to civil proceedings and rights of the defendant (accused suspect) in criminal proceedings. This right also entails an independent judiciary system which entails

that the judge cannot be connected to any political power, cannot be controlled by the other branch of the state.

- Art. 7: No punishment without law also entails no one should be plaid guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed, also not shall a heavier penalty be imposed than the one that was applicable at the time it was committed. It also entails that this shall not prejudice the trial and punishment of any person for any act that at the time committed was criminal according to the general principles of law recognized by civilized nations.
- Art 13: The right to an effective remedy entails that everyone whose rights and freedoms as set in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity. For example, you can issue a complain on this matter if you issue a complain to your national judge and 7 years later pass and you still have no judgment, because with no decision there cannot be an effective remedy. This can also entail when there is a judgment and a final decision by a judge but the State itself is inefficient and doesn't enforce that decision.

If a State doesn't follow the rules, this is addressed in the Council of Minister since NO JUDGE can impose sanctions, this is a political decision. If it is not possible to reach an agreement between the States with regard to Human rights it will be brought up in court (ECtHR). (idk if this is right?)

The Social Charter, meanwhile, guarantees European the opportunity of a decent and dignified life with the right to housing, health care, and education, and to work and family life. Such rights are the glue that holds our societies together. The Social Charter lays specific emphasis on the protection of vulnerable people including children, migrants, the elderly and people with disabilities.

Both instruments: **The European convention on Human rights and the Social Charter** establish clear and specific rights. Over the years, the Council of Europe has built on this with additional legal instruments, but most of these treaties do not create new rights as such. Instead they help Member States to apply existing rights to specific challenges that have emerged. They explain those challenges and provide practical ways for member states to address the. These agreed common standards aim: **prevention, protection and prosecution**. If the recent conventions introduce new criminal offense in a specific subject area Member States should incorporate these offences into their own domestic law.

Protocol No. 1

- *Article 1 Protection of property*
- *Article 2 Right to education*
- *Article 3 Right to free elections*

Protocol No. 4

- *Article 1 Prohibition of imprisonment for debt*

- Article 2 Freedom of movement
- Article 3 Prohibition of expulsion of nationals
- Article 4 Prohibition of collective expulsion of aliens

Protocol No. 6

- Article 1 Abolition of the death penalty

Protocol No. 7

- Article 1 Procedural safeguards relating to expulsion of aliens
- Article 2 Right of appeal in criminal matters
- Article 3 Compensation for wrongful conviction
- Article 4 Right not to be tried or punished twice
- Article 5 Equality between spouses

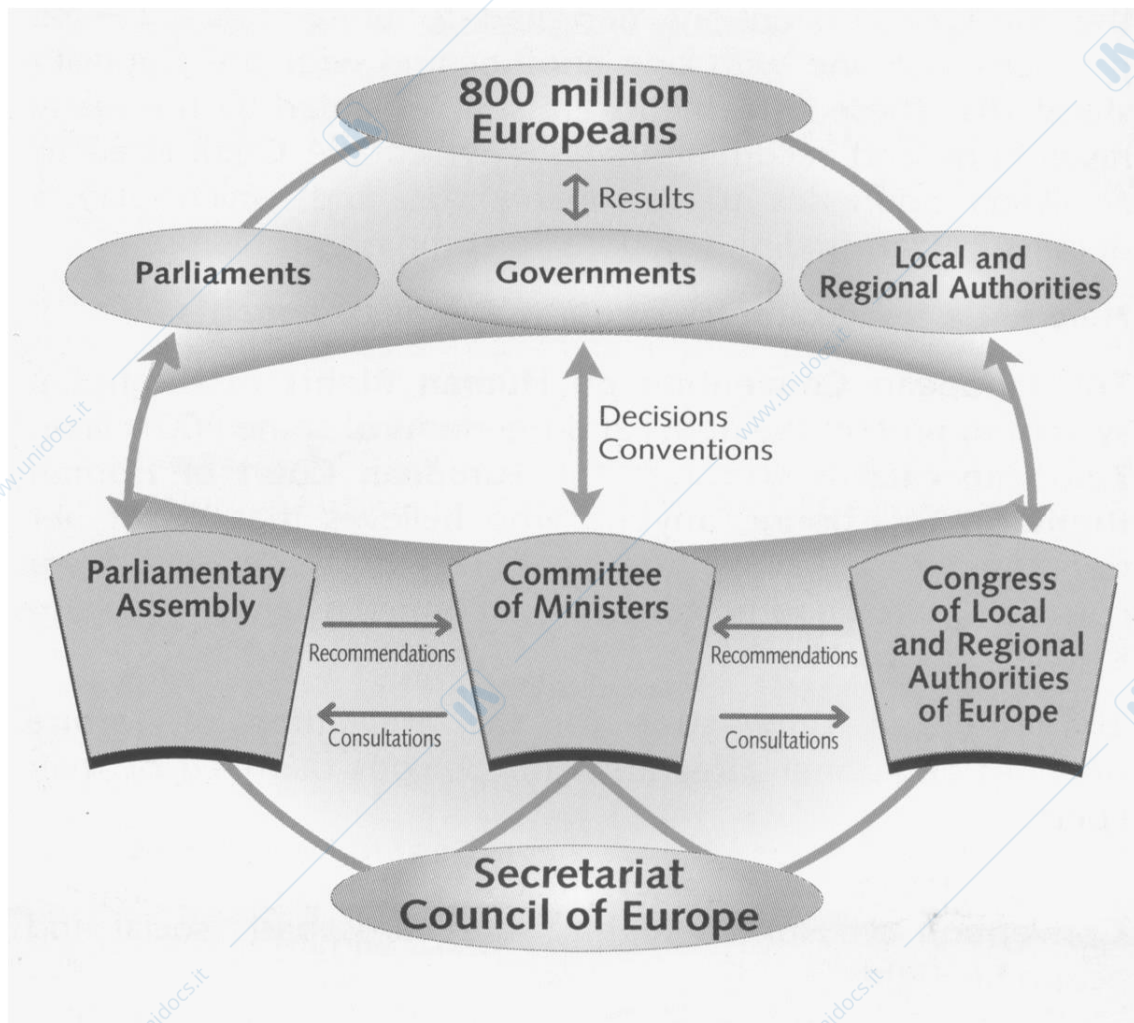
Protocol No. 12 (this Protocol will enter into force when ratified by ten Contracting States)

- Article 1 General prohibition of discrimination

Protocol No. 13

- Article 1 Abolition of the death penalty (in all circumstances)

2. Institutional Framework and Decision Making Process



****ELECTION ON A SUBNATIONAL LEVEL, THERE IS NO DIRECT ELECTION IN THE COUNCIL OF EUROPE**

STRUCTURE:

1. Secretary General: The Secretary General is elected by the Parliamentary Assembly for a five-year term at the head of the Organisation. She is responsible for the strategic planning and direction of the Council's work programme and budget. She leads and represents the Organisation

***The Deputy Secretary General** is also elected for a five-year term by the Parliamentary Assembly, in an election separate to the one held for the Secretary General.

2. Committee of Ministers: This is the Council's decision-making body and is made up of the ministers of foreign affairs of each member state or their permanent diplomatic representatives in Strasbourg. The Committee of Ministers decides Council of Europe policy and approves its budget and programme of activities. There are 47 foreign ministers. If not, ambassadors can negotiate Treaties by they cannot sign the Treaty. They are: the voice of the Governments, seek European solutions and are the Guardian of Values.

The Committee of Ministers is the Council of Europe's statutory decision-making body. Its role and functions are broadly defined in Chapter IV of the Statute. It is made up of the Ministers for Foreign Affairs of member States. The Committee meets at ministerial level once a year and at Deputies' level (Permanent Representatives to the Council of Europe) weekly. The conduct of meetings is governed by the Statute and Rules of Procedure. The Ministers' Deputies are assisted by a Bureau, rapporteur groups, thematic coordinators and ad hoc working parties. They work on a:

- Ministerial Level (Sessions of the Committee of Ministers)
- Deputy Level (Meetings of the Minister's Deputies)
- Deputy Level: Execution of Judgements of the European Courts of Human Rights (Human rights (DH) meetings of the Minister's Deputies).

3. Parliamentary Assembly (PACE): The Parliamentary Assembly consists of 324 members of parliament from the 47 member states; the Assembly elects the Secretary General, the Human Rights Commissioner and the judges to the European Court of Human Rights; it provides a democratic forum for debate and monitors elections; its committees play an important role in examining current issues. They are the Europe's Democratic Conscience. **Powers:** PACE uncovers human rights violations, "monitors" whether states keep their promises, and demands answers from Presidents and Prime Ministers. It can also recommend sanctions.

- A right of scrutiny: It holds governments to account over their human rights records, and presses states to achieve and maintain democratic standards, both in Europe and – increasingly – in neighbouring regions.

- **A hotbed of ideas:** It is a factory of radical ideas for improving Europe's laws and practices, a "motor" for the Council of Europe and a guardian of the European Convention on Human Rights, which originated in the Assembly.
- **A forum for debate:** It is a forum for sometimes heated debate on key political and social issues facing the continent, helping to head off conflict and encourage reconciliation.

Though its texts are not binding, the Assembly speaks on behalf of 830 million Europeans and the 47 Council of Europe governments must give a collective reply. It is the democratic conscience of Greater Europe. PACE today expressed its concern about the spread of disinformation campaigns aimed at shaping public opinion, trends of manipulation and foreign electoral interference process, and hate amplification on the internet and social media. In particular, it is concerned about the growing phenomenon of data-driven electoral campaigning on social media, based on segmentation and profiling of users.

4.Congress of Local and Regional Authorities: The Congress of Local and Regional Authorities is responsible for strengthening local and regional democracy in its 47 member states and assessing the application of the European Charter of Local Self-Government. As the voice of Europe's municipalities and regions, it works to foster consultation and political dialogue between national governments and local and regional authorities, through cooperation with the Council of Europe's Committee of Ministers.

Composed of two chambers – the Chamber of Local Authorities and the Chamber of Regions – and three committees, it brings together 648 elected officials representing more than 200 000 local and regional authorities. **Other functions:** Managing financial resources, discussion between the national and local level, budget control, judicial protection.

Functions:

- **Monitoring Local Democracy:** The Congress is responsible for assessing the application of the European Charter of Local Self-Government in the 47 member States of the Council of Europe. This monitoring enables a constructive political dialogue to be engaged with authorities in member states about local and regional democracy issues. The reports, recommendations and resolutions that it adopts provide information to governments, parliaments, associations, elected representatives and the media about the situation of local and regional democracy in specific countries and the application, in particular, of the Charter. Numerous legislative reforms have been set in motion by member states on the basis of the findings of these monitoring activities.
- **Observing local and regional elections:** The Congress periodically observes local and regional elections, especially in Council of Europe member states.

Observation activities, which cover both polling and election campaigns, allow cooperation to be established at the highest level with representatives of political parties and groups, electoral commissions, the media and NGOs. Congress election observation exercises are conducted in co-operation with the Parliamentary Assembly of the Council of Europe and the Venice Commission, in particular through the Council for Democratic Elections, but also with other international organisations such as the OSCE Office for Democratic Institutions and Human Rights. The Committee of the Regions of the European Union is also invited to participate in observation missions carried out by the Congress.

- **Co-Operation and Partnerships:** The Congress has reinforced co-operation and partnerships with member states and other institutions and European associations in order to consolidate territorial democracy. Activities in the field are proposed to further ensure the implementation of the European Charter of Local Self-Government and of the Congress' recommendations. Projects designed by the Congress are part of the democratic component of Council of Europe Action Plans for its member States. Moreover, the Congress is active in the neighbourhood policy of the Council of Europe, aimed at supporting territorial and legislative reforms in neighbouring countries, such as Morocco and Tunisia.
- **Thematic activities:** The Congress of Local and Regional Authorities of the Council of Europe provides a political platform to reflect on the role of local and regional authorities and to take action with regard to the major challenges of modern society, through the work of its members and its committees. Over the past two decades, the Congress developed and refined its approach and activities in the fields of human rights promotion, gender equality, the strengthening of local and regional democracy, the prevention of corruption and the promotion of public ethics. Recently, new challenges have surfaced to which the Congress reacted swiftly, elaborating coherent and credible policies for preventing radicalisation, for the management of migration and the improvement of integration policies

5. European Court of Human Rights: This is the permanent judicial body which guarantees for all Europeans the rights safeguarded by the European Convention on Human Rights. It is open to states and individuals regardless of nationality. The 47 member states of the Council of Europe are parties to the Convention.

The European Court of Human Rights is an international court set up in 1959. It rules on individual or State applications alleging violations of the civil and political rights set out in the European Convention on Human Rights. Since 1998 it has sat as a full-time court and individuals can apply to it directly. In almost forty years the Court has delivered more than 10,000 judgments. These are binding on the countries concerned and have led governments to alter their legislation and administrative practice in a wide range of areas. The Court's case-law makes the Convention a powerful living instrument for meeting new challenges and consolidating the rule of law and democracy in Europe. The Court is based in Strasbourg.

Court Composition: The number of judges on the Court is the same as that of the States Parties to the Convention (47 at present). The judges are elected by the Parliamentary Assembly of the Council of Europe from lists of three candidates proposed by each State. They are elected for a non-renewable term of nine years. Manifestly inadmissible applications are examined by a single judge. A three-judge Committee may rule by a unanimous vote on the admissibility and merits of cases that are already covered by well-established case-law of the Court. An application may also be assigned to a seven-judge Chamber which rules by a majority vote, mostly on the admissibility and merits of a case. Exceptionally, the Grand Chamber of 17 judges hears cases referred to it either after relinquishment of jurisdiction by a Chamber or when a request for referral has been accepted. A Chamber is composed of the President of the Section to which the case was assigned, the “national judge” (the judge elected in respect of the State against which the application was lodged) and five other judges designated by the Section President in rotation. The Grand Chamber is made up of the Court’s President and Vice-Presidents, the Section Presidents and the national judge, together with other judges selected by drawing of lots. When it hears a case on referral, it does not include any judges who previously sat in the Chamber which first examined the case.

When does the Grand Chamber hear a Case? The initiation of proceedings before the Grand Chamber takes two different forms: referral and relinquishment. After a Chamber judgment has been delivered, the parties may request referral of the case to the Grand Chamber and such requests are accepted on an exceptional basis. A panel of judges of the Grand Chamber decides whether or not the case should be referred to the Grand Chamber for fresh consideration. Cases are also sent to the Grand Chamber when relinquished by a Chamber, although this is also exceptional. The Chamber to which a case is assigned can relinquish it to the Grand Chamber if the case raises a serious question affecting the interpretation of the Convention or if there is a risk of inconsistency with a previous judgment of the Court.

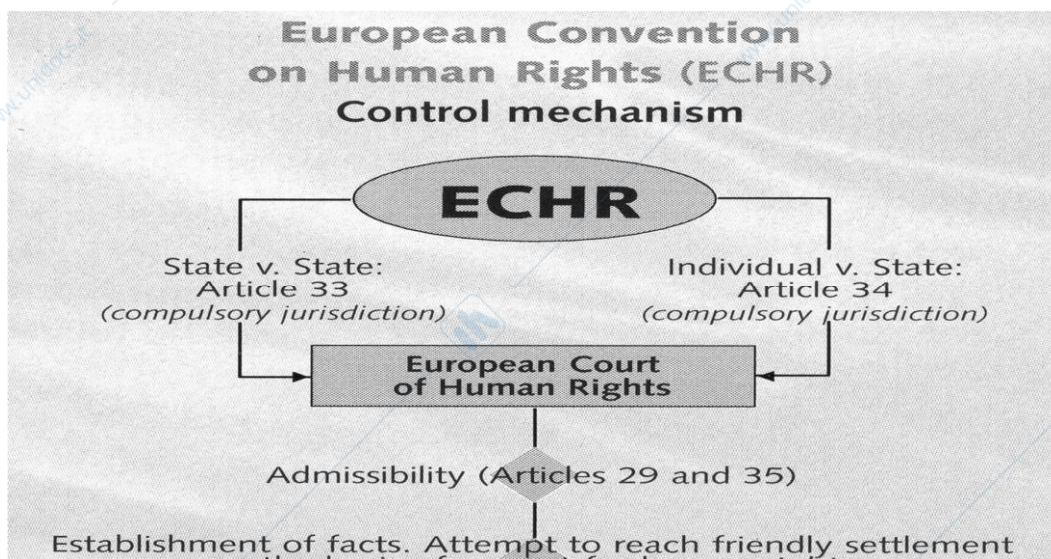
Can a Judge refuse to sit in a case? Yes. Judges are in fact obliged to refrain from taking part in the consideration of a case when they have previously acted in that case in any capacity. This is called withdrawal. They are replaced in the proceedings by another judge and an *ad hoc* judge is appointed if it is the national judge who withdraws. An *ad hoc* judge is appointed by the government concerned when the national judge does not sit in the case because of inability, withdrawal or exemption.

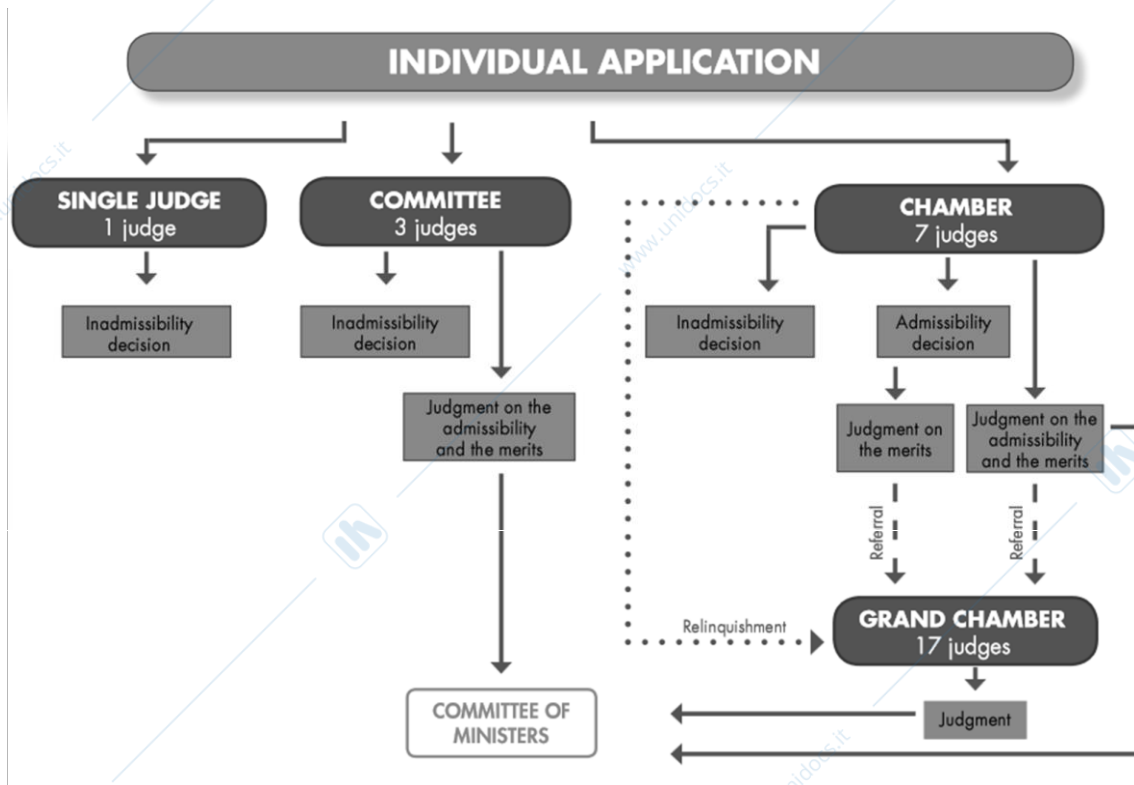
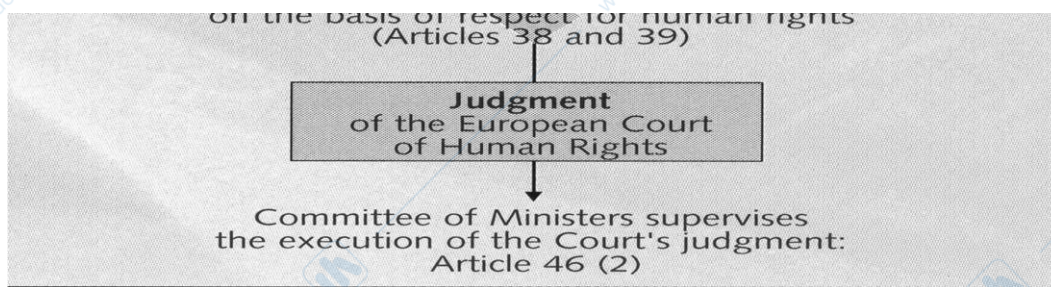
What is the scope of the Court’s jurisdiction? The Court cannot take up cases of its own motion. It has jurisdiction to hear allegations of violations of the European Convention on Human Rights and does so on receiving individual or inter-State applications.

PROCEEDINGS BEFORE THE COURT: (power point slides)

1. Of course, you should have finished the proceeding at a national level and you had to get issued a decision at the highest domestic court of your country
2. You have to fulfill the Admissibility criteria for the Applications to the Court:

- Exhaustion of domestic remedies
 - 6-month deadline for applying to the Court (from the final domestic judicial decision)
 - Complains against a contracting State to the Convention
 - Applicant has suffered a significant disadvantage
3. Then it goes to an initial analysis where:
- Inadmissibility decision = case concluded
 - Examination of the admissibility and merits ----- judgment finding a violation, then you can request for a re-examination of the case, if request accepted then referral to grand chamber if no case concluded, if they find a violation then execution of judgements.
 - Admissibility decision ----- judgment finding violation or judgment finds no violation, then you can request for re-examination of the case and if its accepted (if request dismissed=case concluded) you get referred to the Gran Chamber that issues a final judgment finding a violation or not, then case concluded. If it finds, then execution of judgements.
4. Execution of judgements:
- 4.1 Transmission of the case to the Comittiee of Ministers
- 4.2 Then the State will have obligations:
- Payment of compensation (just satisfaction)
 - Adoption of general measures (amendment to the legislation)
 - Adoption of individual measures (restitution, reopening of the proceedings..etc.)
- 4.3 Examination by the Committee of Ministers
- Satisfactory execution -----Final resolution=case concluded
 - Unsatisfactory execution -----Examination again till the case is concluded





Who can bring a case to the Court? The Convention makes a distinction between two types of application: individual applications lodged by any person, group of individuals, company or NGO having a complaint about a violation of their rights, and inter-State applications brought by one State against another. Since the Court was established, almost all applications have been lodged by individuals who have brought their cases directly to the Court alleging one or more violations of the Convention. Cases can only be brought against one or more States that have ratified the Convention, therefore cases against third countries or individuals will be declared inadmissible.

How are cases brought before the Court? Cases can be brought directly by individuals and the assistance of a lawyer is not necessary at the start of the proceedings. It is sufficient to send the Court a duly completed application form with the requisite documents. However, the registration of an application by the Court is no guarantee that it will be admissible or successful on the merits. The Convention system provides

for “easy” access to the Court, enabling any individual to bring a case even if he or she lives in a remote region of a member State or is penniless. With this in mind, there are no fees for proceedings before the Court. Most applications before the Court are individual applications lodged by private persons. A State may also lodge an application against another State Party to the Convention; this is called an inter-State application.

What are the different stages of the proceedings before the Court? There are two main stages in the consideration of cases brought before the Court: the admissibility stage and the merits stage (i.e. the examination of the complaints). The processing of an application also goes through different phases. A single-judge formation will declare an application inadmissible where inadmissibility is clear from the outset; its decisions cannot be appealed against. A Committee will give a final decision or judgment in a case which is covered by well-established case-law of the Court. A Chamber will give notice of the case to the respondent Government for their observations. Written observations are submitted by both parties. The Court then decides if it is appropriate to hold a public hearing in the case, but this remains exceptional in relation to the number of applications examined. Ultimately, the Chamber delivers a judgment that will become final only after the expiry of a three-month period during which the applicant or Government may request the referral of the case to the Grand Chamber for fresh consideration. If the request for referral is accepted by the panel of the Grand Chamber, the case will be reconsidered and a public hearing will be held if necessary. The Grand Chamber judgment will be final.

What are the conditions of admissibility? Applications must meet certain requirements if they are to be declared admissible by the Court; otherwise the complaints will not even be examined. Cases can only be brought to the Court after domestic remedies have been exhausted, individuals complaining of violations of their rights must first have taken their case through the courts of the country concerned, up to the highest possible level of jurisdiction. In this way the State itself is first given an opportunity to provide redress for the alleged violation at national level. An applicant’s allegations must concern one or more of the rights defined in the Convention. The Court cannot examine complaints concerning violations of any other rights. Applications must also be lodged with the Court within six months following the last judicial decision in the case, which will usually be a judgment by the highest court in the country concerned. The applicant must be, personally and directly, a victim of a violation of the Convention, and must have suffered a significant disadvantage. It should not be forgotten, of course, that applications can only be lodged against one or more of the States Parties to the Convention, and not against any other State or against an individual.

Does the court hold public hearings? The Court basically has a written procedure but occasionally decides to hold public hearings in specific cases. Hearings take place in the Human Rights Building in Strasbourg. They are public unless otherwise decided by the President of the Chamber or Grand Chamber, as the case may be. The press and the public are thus usually authorised to attend; they just need to show their press or identity card at the reception.

What is a friendly settlement? A friendly settlement is an agreement between the parties to put an end to proceedings initiated by an application. When the parties concerned agree to settle their dispute in this way, the outcome is usually that the State pays the applicant a sum of money. After examining the terms of the friendly settlement, and unless it considers that respect for human rights requires continuation, the Court will strike out the application. The Court always encourages parties to negotiate a friendly settlement. If no agreement is reached the Court will proceed to examine the merits of the application.

Can the Court order interim measures? When the Court receives an application it may decide that a State should take certain measures provisionally while it continues its examination of the case. This usually consists of requesting a State to refrain from doing something, such as not returning individuals to countries where it is alleged that they would face death or torture.

Have States ever refused to cooperate with the Court? There have been cases where States have omitted or even refused to provide the Court with the information and documents required for its examination of an application. In such cases the Court may find against the State under Article 38 of the Convention (obliging States to furnish all the necessary facilities to the Court). Whilst States almost always follow the Court's indications **concerning interim measures**, it is not unknown for some of them to fail to act on the Court's request. Those States are likely to be found by the Court to have failed to fulfill their obligations under Article 34 (right of individual application).

What is the difference between a decision and a judgement? A decision is usually given by a single judge, a Committee or a Chamber of the Court. It concerns only admissibility and not the merits of the case. Normally, a Chamber examines the admissibility and merits of an application at the same time; it will then deliver a judgment.

Are States bound by judgements against them? Judgments finding violations are binding on the States concerned and they are obliged to execute them. **The Committee of Ministers of the Council of Europe monitors the execution of judgments**, particularly to ensure payment of the amounts awarded by the Court to the applicants in compensation for the damage they have sustained.

Can judgements be appealed against? Inadmissibility decisions, and also judgments delivered by Committees or the Grand Chamber, are final and cannot be appealed against. However, the parties have three months following the delivery of a Chamber judgment to request referral of the case to the Grand Chamber for fresh consideration. Requests for referral to the Grand Chamber are examined by a panel of judges which decides whether or not referral is appropriate.

How are the Court's judgements enforced? When the Court delivers a judgment finding a violation, the Court transmits the *le* to the Committee of Ministers of the Council of Europe, which confers with the country concerned and the department responsible for the execution of judgments to decide how the judgment should be executed and how to prevent similar violations of the Convention in the future. This will result in general

measures, especially amendments to legislation, and individual measures where necessary.

What are the consequences of a judgement finding a violation? In the event of a violation being found, the State concerned must be careful to ensure that no such violations occur again in the future, otherwise the Court may deliver new judgments against them. In some cases the State will have to amend its legislation to bring it into line with the Convention.

What is just satisfaction? When the Court finds against a State and observes that the applicant has sustained damage, it awarded the applicant just satisfaction, that is to say a sum of money by way of compensation for that damage. The Committee of Ministers ensures that any sum awarded by the Court is actually paid to the applicant.

What is a pilot case? Over the past few years the Court has developed a new procedure to cater for the massive influx of applications concerning similar issues, also known as "systemic issues" – i.e. those that arise from non-conformity of domestic law with the Convention. The Court has thus recently been implementing a procedure that consists of examining one or more applications of this kind, whilst its examination of a series of similar cases is adjourned (in other words, postponed). When it delivers its judgment in a pilot case, it calls on the Government concerned to bring the domestic legislation into line with the Convention and indicates the general measures to be taken. It will then proceed to dispose of the other similar cases.

What is Protocol No.14? Protocol No. 14, whose aim is to guarantee the long-term efficiency of the Court by optimising the filtering and processing of applications, provides in particular for new judicial formations to deal with the simplest cases, for a new admissibility criterion (that of "significant disadvantage") and for judges' terms of office to be extended to nine years without the possibility of re-election. This Protocol entered into force on 1 June 2010.

6. Commissioner for Human Rights: The Human Rights Commissioner independently addresses and brings attention to human rights violations.

7. Conference of INGOs: The Conference includes some 400 international Non - Governmental Organisations (INGOs). It provides vital links between politicians and the public and brings the voice of civil society to the Council. The Council's work benefits extensively from the INGOs' expertise and their outreach to European citizens.