The Council of Europe

In a desire to shield themselves from the Nazi horrors of the past and the Soviet fears of the day, the countries of Western Europe agreed to establish a regional Council of Europe. On 5th, 1949, Belgium, Denmark, France, Ireland, Italy, Luxembourg, the Netherlands, Norway, Sweden and the United Kingdom signed the Treaty of London that established the Council of Europe. Furthermore, in order to create a political and legal environment common to all European countries, since 1989, the Council of Europe has admitted most of the countries of Central and Eastern Europe, and it supports their efforts to implement and consolidate reforms accordingly. Currently, the Council of Europe has 47 member states. The Council of Europe is an institution independent of the European Union (EU) and it has functions different from those of the Union. Unlike the Treaties that established the European Union, the Convention's tasks are succinctly explained in its Preamble "to promote the signatories' belief" in "individual freedom, political liberty and the rule of law." The Council of Europe should not be confused with the Council of the European Union. Unlike the Council of Europe, the Council of the European Union is the EU's main decision-making body. The Council of Europe's permanent headquarters are in Strasbourg, France. Its main statutory bodies are: the Committee of Ministers, made up of the member States' foreign ministers, and the Parliamentary Assembly, composed of delegations from the member states' parliaments.

Research Resources & Tools

In Print at Columbia
Published by the Council of Europe, this is a concise overview of the Council's activity and supervising mechanisms in the field of human rights up to the beginning of 1995. Part of its appeal is due to its small size and clarity of style. Furthermore, it contains resourceful appendices that provide the reader with a vast array of information, such as the contact information for documentation centers and depository libraries in the member countries, which, despite being somewhat dated nevertheless remains accurate.

Online

Council of Europe. Official Web Site.

This contains basic documents, list of activities and conferences, as well as press releases.

Research Guides


How to Find a Council of Europe Treaty

Frequently, you will want to find a Council of Europe treaty and you will know either the number of the treaty, the subject matter, or its category, such as treaties opened only to member states of the Council of Europe. There are several sources that will enable you to find such a treaty.

Research Resources & Tools

In Print at Columbia

offsite -- JX1980.Eu1 T71

This collection contains treaties concluded within the Council of Europe. Our collection's coverage includes treaties from 1954 (number 12) to the present. The library binds the advance sheets, starting with no. 12, several sheets per volume.

The number of the advance sheets contained in each volume is marked on the spine of the volume. Each advance sheet contains one treaty. The library has catalogued all advance sheets / treaties from 1954 through 1978 (nos. 12 through 101) separately. This individual cataloguing allows the researcher to identify any treaty concluded within this time frame by searching the online catalog Pegasus (http://pegasus.law.columbia.edu/) using either word or title searches.

The European Human Rights System. The European Convention on Human Rights

In order to achieve its stated goal, the Council created a normative and institutional system for the guarantee of human rights in Europe. The Council proposed the Convention for the Protection of Human Rights and Fundamental Freedoms (the "European Convention"), which was signed on November 4, 1950, and entered into force in 1953. Today, states -- far beyond the original geographical limits -- are party to the
European Convention on Human Rights. Comprising almost all the countries from the Atlantic Ocean to the Ural Mountains, the Convention has succeeded in bringing together a diverse cultural body to agree upon common human rights values.

For the first time in history, the European Convention on Human Rights has established a supranational institutional system whose avowed aim is the protection and promotion of human rights. The Convention gives individuals, as well as states, the right to petition for redress of human rights violations. Until 1998, both the Commission and the European Court of Human Rights had jurisdiction under the Convention.

The European Convention on Human Rights is limited to civil and political rights and freedoms. It guarantees, inter alia:

- the right to life,
- freedom from torture, and inhuman or degrading treatment or punishment,
- freedom from slavery or servitude,
- the right to liberty and security of persons
- the right to respect for family and private life
- freedom of thought, conscience, and religion,
- freedom of expression
- the right to education to every person (The First Protocol)
- freedom from imprisonment for debt (The Fourth Protocol)
- the abolition of capital punishment in times of peace (The Sixth Protocol)
- due process rights for aliens being expelled (The Seventh Protocol)
- the equality of the rights and responsibilities of spouses. (The Seventh Protocol)

The Convention's drafting and negotiating addressed various economic and social rights. In 1965, member states to the Council adopted the European Social Charter. The Charter and its additional protocols added many other such economic and social rights, including,

- the right to social welfare services,
- the right to equal opportunity and equal treatment in employment without discrimination on the grounds of sex (Additional Protocol)
- the right of workers to take part in determining and improving their working conditions and working environment (Additional Protocol)
- the right of the elderly to social protection (Additional Protocol).

Research Resources & Tools

In Print at Columbia

3rd Fl Reserve & 2nd Floor -- JX4263.P3 St351 2000

This is a useful starting point for any researcher of the European human rights system because it portrays the system within the current international and regional context both at the governmental and non-governmental level. Part of the 10th chapter on regional human rights arrangements is dedicated to the European Convention system (p. 786 et seq.). In addition, the European Convention on Human Rights and its Protocols are published in the annex.

3rd Floor Reserve -- JX4263.P3 Eu743 1993

As stated in its preface, this collection of 40 articles exhaustively sums up "forty years of European experience in the collective endeavour to protect human rights." Its major flaw is that it does not bother to provide a small bio for each author's contribution. Thus, aside from H.R.H. Prince Nicolas of Liechtenstein, the authors' identities remain known only to the specialist.

2nd Floor -- JX4263.P3 Eu74039 2000

Structured in three parts, this gives an insightful view of the European human rights system through the prism of the European Commission of Human Rights (in Part I), the European Court of Human Rights (in Part I & Part II) and the national legal system of the Council of Europe member countries (Part III).

4th Floor -- JX1980.Eu1 In31

Our library catalogued this serial based on its original title as found in the 9th volume (1962) -- the first one in the library's collection. Then, it contained a compilation of human rights documents issued by various bodies, including the United Nations. The recent volumes have been published under the title of Human Rights Information Bulletin, and they contain only documents issued by bodies of the Council of Europe, such as protocols to the Convention or the European Social Charter, or the ECHR judgments.

3rd Floor Reserve & Cellar -- JX1 Eu74
European Human Rights Law Review. (Sweet & Maxwell, c1995-)

This journal views itself as a "forum for serious debate on the European Convention on Human Rights." Among the authors published are
UN functionaries, and U.K. barristers, and judges. On the editorial board there are representatives of the European academe and non-governmental organizations, U.K. practitioners, and members of the European and U.K. judiciary. Aside from featured articles, the journal also contains summaries of cases of the European Court of Human Rights, under the rubric "Cases and Comment."

For the researcher interested in the impact of the Convention on domestic law of member states of the Council, this two-volume monograph may be quite useful. It is focused on the United Kingdom, and it covers both legislation and case law related to the human rights issues developed in the Convention and applied in the U.K.


From 1953 until 1999, the Commission had an intermediary role -- that of shielding the Court from frivolous suits. The Commission would hear cases, then refer its reports to the Court -- the only body with the power to issue a binding legal decision. The Commission also had the discretion to refer its reports to the Committee of Ministers, a political body, which could decide whether the Convention had been violated.

In Print at Columbia


Structured in three parts, this gives an insightful view of the European human rights system through the prism of the European Commission of Human Rights (in Part I), the European Court of Human Rights (in Part I & Part II) and the national legal system of the Council of Europe member countries (Part III).

This six-volume digest contains abstracts of published and unpublished decisions and reports of the Commission of Human Rights and judgments of the Court of Human Rights, with cross-references to similar or identical decisions, reports, or judgments. The five volumes of the digest cover the period 1955 to 1982. Each has a loose-leaf supplement that updates its content. They contain case law arranged according to the text of the articles of the Convention and its Protocols to which it relates. The sixth volume, also updated, is a general index to the first five. Although the Digest does not index cases by topic (like a West digest), but according to the ECHR article discussed in the decision, it remains a useful tool for the more sophisticated researcher. In addition, the user should know that the Digest of Strasbourg makes references to the ECHR decisions as published in Publications de la Cour europeenne des droits de l'homme. Série A, -- 2nd Floor -- JX4263.P3 Eu221.

This is an irregular publication that covers decisions, opinions, and reports of the Commission indexed by the name of the applicant, the name of the respondent state, the article of the Convention to which it relates, and the subject matter.

Online

Database of the Case-law of the European Convention on Human Rights (HUDOC).

Before you start your research using this database you may want to consult the 'how to do' HUDOC tutorials which are posted on the ECHR web page.

To find a Commission's Report, choose Reports under the rubric Indicate which case-law collection(s) you would like to search, after you go to "document collections":"COMMITTEE","DECISIONS","COMMUNICATEDCASES","CLIN","ADVISORYOPINIONS","REPORTS","RESOLUTIONS" Access HUDOC, and follow the instructions detailed on that page. The page is a bit intimidating because it has a busy design. So, if this is your
The European Court of Human Rights (ECHR). Overview

Since 1998, the Commission's role over the parties' compliance with the Convention's norms has been phased out, as the Council has moved towards a single court system. Currently, the ECHR is the only judicial institution in the European human rights system.

The ECHR is set up under the Convention as amended and is composed of a number of judges equal to that of the Contracting States (currently forty five). Judges are elected by institutions of the Council of Europe and sit on the Court in their individual capacities and do not represent any State. They cannot engage in any activity that is incompatible with their independence or impartiality or with the demands of full-time office. Their terms of office expire when they reach the age of seventy.

The Plenary Court elects its President, two Vice-Presidents and two Presidents of Section for a period of three years.

The ECHR is organized into committees, Chambers, and Grand Chambers. The committees are set up by the Chambers for a fixed period of time and are comprised of three judges. The President of the ECHR, the Vice-Presidents, the Presidents of the Chambers, and the judge elected in respect of the State against which the application is lodged are always members of the Grand Chambers. The other judges completing any particular Grand Chamber are appointed on a case-by-case basis.

Committees declare a case admissible or strike it from the list. A claim becomes admissible if the petitioner has exhausted all domestic remedies available and presented substantially the same matter as the one brought up in front of the ECHR.

Admissible cases go to the Chamber, which reviews admissibility and decides the merits of the case. The Chamber's decision may reexamine by the Grand Chamber at the request of one of the parties.

The plenary court deals only with organizational matters.

Research Resources & Tools

In Print at Columbia

4th Floor -- KJC5132.A52 D63


This is a primer for any researcher interested in the ECHR. Each annual volume contains information on the ECHR's composition, and proceedings. It also covers judgments delivered by the Court and summaries of the judgments delivered by the Grand Chamber in that year. The 2001 volume is the most recent one in our collection.

Online

The European Court of Human Rights' Home Page.

From this portal you may research both ECHR's Pending Cases and ECHR's Judgments and Decisions.

The ECHR: Judgments & Advisory Opinions. How to Find a Judgment

Any Contracting State or individual claiming to be a victim of a violation of the Convention (individual application) may claim the ECHR's jurisdiction, by alleging a breach by a Contracting State of one of the Convention rights.

Frequently, you will want to find a decision and you will know either the name of the parties, the subject matter, or the year in which it was rendered. There are several sources that will enable you to find a judgment of the European Court of Human Rights.

Research Resources & Tools

In Print at Columbia. Commercial Publications

The researcher should freely use them as they contain better finding tools than the official ones.

4th Floor. KJC5132.A53 E975

European Human Rights Reports. (Sweet & Maxwell, 1979-)

This is the tool to research ECHR case law (judgments and opinions), especially in light of the consolidated index of the first 32 volumes
(that cover case law from 1979 through 2001). The index (bound in a separate volume) offers an alphabetical table of cases by the applicant's name, by the respondent state, by subject matter, by the articles of the convention discussed, and chronologically. One of the very useful features on the index is the table of cases "judicially considered" by other cases, a function offered to the researcher of domestic case law by Shepards and KeyCite.

The collection covers ECHR case law from 1979 to present day. The library receives the most recent issues as advance sheets.

2nd Floor -- JX4263.P3 Eu74026 1996
A Systematic Guide to the Case-law of the European Court of Human Rights. (M. Nijhoff, 1960-)

This three-volume guide to the ECHR's case law from 1960 to 1996 is the companion to Series A, Judgments and Decisions. It is useful for the researcher interested in case law about a specific provision of the Convention, as it contains the text of the Convention and its protocols. Next to each paragraph that has been the focus of ECHR litigation, the author gives references to the case as published in Series A, Judgments and Decisions. The library carries only the 3rd volume, which covers case law from 1995 through 1996.

2nd Floor -- JX4263.P3 B445 1989
Berger, Vincent Case law of the European Court of Human Rights (with a foreword by Brian Walsh) (1992) (discontinued)

This two-volume English translation of the French original covers ECHR case law from 1960 through 1990. It is a unique digest that contains both the summary of the case and excerpts of the original judgments with the original paragraph numbers. For each summary the author provides a bibliography. The cases are presented chronologically, and each volume has a table of contents.

There are also three French editions of this work. The first two editions also organize the material chronologically, although the table of contents is more informative as each case has a small parenthetical summarizing its subject-matter. However, the third edition (1991)--JX4263.P3 B445 1991--in addition to the table of cases and the subject matter index, lays out the cases in six chapters: freedom of movement, procedural rights, property rights, and rights to privacy, freedom of speech, and freedom of association.

2nd Floor -- JX4263.P3 D568
Digest of Strasbourg Case-law relating to the European Convention on Human Rights. (C. Heymanns-Verlag, 1955-)

This six-volume digest contains abstracts of published and unpublished decisions and reports of the Commission of Human Rights and judgments of the Court of Human Rights, with cross-references to similar or identical decisions, reports, or judgments. The five volumes of the digest cover the period 1955 to 1982. Each has a loose-leaf supplement that updates its content. They contain case law arranged according to the text of the articles of the Convention and its Protocols to which it relates. The sixth volume, also updated, is a general index to the first five.

In Print at Columbia. Official Publications

The researcher should freely use them when she already knows the case she needs.

4th Floor -- KJC5132.A52 E881
Recueil des arrets et decisions.

This publication covers ECHR case law from 1996 to present. The library binds a few reports together in one volume. The library catalog indicates which reports are bound in what volume, but it does not provide any information about the cases the reports cover (one case per report).

2nd Floor -- KJC5132.A52 E88


Online

"documentcollectionid":
["COMMITTEE","DECISIONS","COMMUNICATEDCASES","CLIN","ADVISORYOPINIONS","REPORTS","RESOLUTIONS"
Database of the Case-law of the European Convention on Human Rights (HUDOC)].

WestlawNext does not provide access to these databases, yet.

LEXIS ADVANCE does not provide access to these databases, yet, either.
The establishment of the ECHR was considered revolutionary at the time, and its activity has since been regarded as a success. Experts explain its success due to the Court's special status in regard to that of national courts. For example, all applicants are required to exhaust domestic remedies before coming to either the Commission or to the ECHR. In the instances in which the Convention has been adopted as part of the member states' domestic law, the ECHR has been compared to a Constitutional Court that can be found in all the state members of the Council of Europe.

The procedure before the European Court of Human Rights is adversarial and public. Individual applicants may submit applications pro se, but legal representation is recommended and sometimes required. The Council of Europe has set up a legal aid scheme for applicants who do not have sufficient means.

The official languages of the Court are English and French, but applications may be drafted in any one of the official languages of the Contracting States.

The Grand Chamber's judgments are final and binding in international law. Similarly binding are the Chamber's judgments that are not appealed.

At the request of one of the Council's institutions, the Committee of Ministers, ECHR may give advisory opinions on legal questions concerning the interpretation of the European Human Rights Convention and its Protocols.

The 104 procedural rules are organized in four titles, and they can be researched based on their subject matter, as follows.

- **TITLE I** -- Organization and Working of the Court
- **TITLE II** -- Procedure
- **TITLE III** -- Transitional Rules
- **TITLE IV** -- Final Clauses

The first two titles are further divided into chapters.

**Research Resources & Tools**

*In Print at Columbia.*

2nd Floor  **JX4263.P3 Eu74013 1997**

This provides a quick and accessible approach to the organization and the procedure before the ECHR. Rolv Ryssdal, then president of ECHR, wrote the relevant chapter.

2nd Floor --  **JX4263.P3 Eu222**

This irregular publication by the registry of the ECHR is extremely useful as each volume is dedicated to one case and contains the entire proceedings surrounding it: ECHR judgments, documents relating to the proceedings, including the Commission's report, verbatim records of public hearings, and any other document the ECHR President deems useful to publish. Each volume is published both in English and in French, and it contains a bilingual index as well. The library carries the entire collection, from vol.1 (1960) to vol.104 (1995).

*Online*

The  **Rules of the Court** are available from the ECHR page.

Please send comments regarding this guide to Dana Neacșu, Librarian & Lecturer-in-Law, Columbia University, Diamond Law Library, at dana.neacsu@law.columbia.edu.
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