



## New rule introduced concerning handling of systemic and structural human rights violations in Europe

The European Court of Human Rights is introducing a new rule which clarifies how it handles potential systemic or structural human rights violations.

The new rule codifies the Court's existing "pilot-judgment procedure", introduced for cases where there is a systemic or structural dysfunction in the country concerned which has given or could give rise to similar applications before the Court. Taking into account the Court's experience of implementing this procedure in different countries and situations, the new rule establishes a clear regulatory framework for pilot judgments.

The rule (Rule 61) will be included in the European Court of Human Rights Rules of Court as of 31 March 2011, thus implementing the request to the Court set out in the final declaration of the February 2010 Interlaken Conference on the future of the Court. The Court was requested to: "develop clear and predictable standards for the pilot judgment procedure as regards selection of applications, the procedure to be followed and the treatment of adjourned cases".

Among other things, Rule 61 sets out the following (link to [Rule](#) for full details):

- The Court will consult the applicant/s and Government/s of the State/s concerned and any other involved parties before starting the procedure;
- The Court shall identify the type of remedial measures the State concerned is required to take at national level; may impose a time-limit on the adoption of such measures; and may adjourn similar cases pending the adoption of remedial measures;
- Any friendly settlement must also cover general measures and redress for other/potential applicants; and,
- Where a State fails to abide by a pilot judgment, the Court will normally resume examination of the adjourned cases.

The pilot procedure has three aims: to help the 47 European States which have ratified the European Convention on Human Rights to resolve systemic or structural problems at national level; to provide redress more quickly for the individuals involved; and, to help the European Court of Human Rights deal more efficiently and quickly with its caseload, by reducing the number of similar, usually complex, cases it needs to examine in detail.

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**The European Court of Human Rights** was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.