

THE EUROPEAN COURT OF HUMAN RIGHTS – FINDING LAW REPORTS

INTRODUCTION

This document will help you to locate law reports concerning the European Court of Human Rights (ECtHR), plus commentary and textbooks on the ECHR.

It is essential to note that the European Court of Human Rights is a product of the Council of Europe, and not of the European Community. The European Court of Human Rights (which sits at Strasbourg) must not be confused with the European Court of Justice (which sits at Luxembourg). It cannot be emphasised too strongly that institutions of the European Union have no role whatsoever in the administration of the European Court of Human Rights.

The European Court of Human Rights was established in 1959 by the European Convention on Human Rights, in order to protect the rights set out by the Convention.

THE EUROPEAN CONVENTION ON HUMAN RIGHTS

The full title of the European Convention on Human Rights is 'The Convention for the Protection of Human Rights and Fundamental Freedoms'.

The Convention was adopted by the Council of Europe in 1950, and came into force in 1953. All Council of Europe member states are party to the Convention and new member states are expected to ratify the Convention at the earliest opportunity.

The Convention created the right of individuals and organisations alleging a violation of Convention rights to petition the European Commission of Human Rights (established 1954) and then the European Court of Human Rights (established 1959).

For the full text of the Convention see:

Ghandi, S. (ed.) (2012) *Blackstone's statutes: international human rights documents*. 8th ed. Oxford: Oxford University Press.

To see the full text of the Convention online, go to: http://www.echr.coe.int/echr/Homepage_EN.

1. Select '**Official texts**'.
2. Select: '**The European Convention**'.

THE EUROPEAN COURT OF HUMAN RIGHTS

As stated previously, the European Court of Human Rights (ECtHR) was established by the European Convention on Human Rights (ECHR). See Section II of the Convention.

Judges of the ECtHR are full-time, and are elected for periods of six years by the Parliamentary Assembly of the Council of Europe.

Judges sit as individuals, not as national representatives, and while in office, “shall not engage in any activity which is incompatible with their independence [and] impartiality” (art. 21(3) ECHR).

JUDGEMENTS OF THE EUROPEAN COURT OF HUMAN RIGHTS

Free online access to the case-law of the ECtHR is provided by **HUDOC**, the European Court of Human Rights Case Database. Go to:

<http://hudoc.echr.coe.int/sites/eng/Pages/search.aspx#>

Only the case name and the date of judgement are necessary to access the official full texts, usually reported in both English and French.

HUDOC is also the portal to decisions, resolutions and reports of the European Commission of Human Rights and the Council of Ministers.

CITATION OF CASES FROM THE EUROPEAN COURT OF HUMAN RIGHTS

Citations from the ECtHR are often simplified as follows:

***Ferrazzini v Italy* [2001] ECHR 464**

The above citation is ‘de-coded’ thus:

***Ferrazzini v Italy*¹ [2001]² ECHR³ 464⁴**

1. Names of parties; the party initiating proceedings is placed first.
2. Year of the report.*
3. Name of the law report, for example European Court of Human Rights.
4. Page number.

(* **Note** the date of the report is in square brackets; this means the date is absolutely essential to finding the report.)

Alternatively, the same case may be cited as follows:

***Ferrazzini v Italy* [2001] ECHR 44759/98**

Here, the final numerical value (44759/98) refers to the application number of the case (44759) and the year (1998) that the application was lodged with the European Commission of Human Rights.

From the above citations, you can see that the ECtHR has experimented with various techniques of 'official citation'. This has caused some confusion. Consequently, many academic textbooks also refer to ECtHR cases using citations from the **European Human Rights Reports [EHRR]**.

European Human Rights Reports [EHRR] (1979 – onwards)

The European Human Rights Reports are published commercially by Sweet & Maxwell.

Example of a European Human Rights Reports case citation:

***Ferrazzini v Italy* (2002) 34 EHRR 45**

The above citation is 'de-coded' as follows:

***Ferrazzini v Italy*¹ (2002)² 34³ EHRR⁴ 45⁵**

1. Names of parties; the party initiating proceedings is placed first.
2. Year of the report.*
3. Volume number.
4. Name of the law report, for example European Human Rights Reports.
5. Case number.

(* **Note:** the date of the report is in round brackets; this means the date is **not** essential to finding the report.)

In 2001 the publishers (Sweet & Maxwell) changed the citation format of EHRR citations. From Volume 31 onwards, the final numerical value refers **not** to a page number, but to the **case number** assigned by the publishers.

Examples:

2 EHRR 20 refers to the judgement in volume 2, beginning at page 20.

32 EHRR 20 refers to the 20th judgement in volume 32.

1. The full-text of EHRR is available on Westlaw UK.
2. Click on the '**Cases**' tab on the homepage;
3. Under '**Browse**', click on '**Law Reports and Official Transcripts**'.
4. Scroll down to '**European Human Rights Reports**'.
5. You can now search for EHRR cases from 1978 onwards by Free Text, by Party Names, or by Citation.

OTHER LAW REPORTS THAT CONCERN HUMAN RIGHTS

Butterworths Human Rights Cases [BHRC] (1996 – onwards)

Butterworths Human Rights Cases provide reports of important human rights decisions from the ECtHR. Students will find BHRC useful because the series provides good summaries of all important ECtHR cases heard since 1996.

BHRC also provide reports from other international and national courts that make a significant contribution to the way in which a particular right or freedom is interpreted or applied.

BHRC are available in the Law Library in print copy and online via Lexis® Library:

1. Click on the '**Sources**' tab on the homepage.
2. Under 'Find Sources', click on '**B**'.
3. Put a tick in the box next to '**Butterworths Human Rights Cases**'.

Example of a Butterworths Human Rights Cases citation:

***Roche v United Kingdom* (2005) 20 BHRC 99**

The above citation is 'de-coded' as follows:

***Roche v United Kingdom*¹ (2005)² 20³ BHRC⁴ 99⁵**

1. Names of parties; the party initiating proceedings is placed first.
2. Year of the report.*
3. Volume number.
4. Name of the law report, for example Butterworths Human Rights Cases.
5. Page number.

(* **Note:** the date of the report is in round brackets; this means the date is **not** essential to finding the report.)

TEXTBOOKS

Look at the **Reading Lists** given to you by your tutors. The Law Library should have all (or most) of the books listed. If your tutors recommend that a book is an essential title, then you should consider buying a copy.

Books in the Law Library are arranged in accordance with the Dewey Decimal Classification system. For information on the ECtHR, use the following list as a guide only. Consult the library catalogue to find specific titles:

- **341.481094:** Textbooks specifically on the European Court of Human Rights and the European Convention on Human Rights.
- **342.4085:** General textbooks on European human rights.

See also:

- **341.481:** Textbooks on international human rights.

Help

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