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Promoting greater transparency in the functioning of the European Court of Human Rights and strengthening its integrity framework

Written question No. 766 to the Committee of Ministers

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In April 2021, five organisations expressed serious concerns in a letter, based on data available on the website of the European Court of Human Rights, about the processing of applications against Slovenia, showing that in more than 90% of the cases well- grounded applications had been declared inadmissible and, conversely, baseless applications had been found admissible. As the letter suggests, the filtering of applications and the preparation of these admissibility decisions are rather within the competence of the Court's staff than of the judges.

These illogical decisions do not seem to be in line with the Court's commitment to give reasoning for such decisions, in particular with reference to the document entitled "Launch of new system for single judge decisions with more detailed reasoning". The above-mentioned letter also revealed that many of the applications concerning Slovenia, selected for transmission to panels of judges, have been submitted by a handful of law firms with close ties with certain influential persons.

While Article 40 of the European Convention on Human Rights makes documents deposited with the Registrar accessible to the public, the Court rejected the five organisations' request for access to 315 documents on the grounds that it lacked the resources to email the documents. Furthermore, several journalists of different nationalities did not receive any response from the Court when asked about the integrity framework to prevent staff conflicts of interest.

The Court's lack of transparency, including in the motivation of admissibility decisions and in the accessibility of documents, and the reluctance to take measures to prevent and respond to potential or actual conflicts of interest, do not enhance public confidence in the Court.

Ms Lep Šimenko

To ask the Committee of Ministers:

What can the Committee of Ministers do to improve public confidence in the functioning of the Court, and provide it with sufficient resources to fulfil its duty of transparency under Article 40 of the Convention?

