

## The Pilot Judgment Procedure Of The European Court Of Human Rights

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### The Pilot Judgment Procedure Of

Over the past few years the European Court of Human Rights has developed a new procedure known as the pilot-judgment procedure as a means of dealing with large groups of identical cases that derive from the same underlying problem. The Court has for some time had pending before it a great many of these cases, referred to as repetitive cases.

### The Pilot-Judgment Procedure

The Pilot-Judgment Procedure of the European Court of Human Rights. Author: Dominik Haider. Structural human rights deficiencies in the member states of the European Convention of Human Rights have caused numerous individual applications to the European Court of Human Rights and are a considerable factor in the Court's persistent overload crisis. The Pilot-Judgment Procedure was devised to tackle these structural deficiencies and has become an important instrument of the Court.

### The Pilot-Judgment Procedure of the European Court of ...

From this perspective of dialogue, this paper focuses on the Court's pilot judgment procedure. This procedure was introduced in 2004 to deal speedily and effectively with repetitive cases resulting...

### (PDF) The Pilot Judgment Procedure Before the European ...

The pilot-judgment procedure, according to a Dutch professor, "holds the promise of being the most creative tool the European Court of Human Rights has developed in its first fifty years of existence" (2).

### A typology of the pilot-judgment procedure. - Free Online ...

Secondly, the main reasons for setting up the pilot judgment procedure will be considered. Finally, this article will analyse the challenges the pilot judgment procedure faces, such as its legal basis and the position of applicants in comparable cases.

### The Pilot Judgment Procedure at the European Court of ...

The present paper is devoted to the assessment of the effectiveness of the Court's new institute - Pilot Judgment Procedure. The research demonstrated the existence of 'implementation crises' within the Member States of the Council of Europe,

### (PDF) PILOT JUDGEMENT PROCEDURE OF THE EUROPEAN COURT OF ...

In this case, the pilot judgment procedure certainly fails in its objective to accelerate the resolution of appeals by the Court and to obtain in the shortest time a remedial action by the State. However, individual rights are not affected by the application of this procedure. The possibility for the Court to sanction the State by condemning it ...

### The effectiveness of the pilot judgment procedure: A ...

Since 2004, the pilot judgment procedure has been developed by the ECtHR in order to facilitate the resolution of systemic human rights problems, and, thereby, reduce the massive burden on it of repetitive cases. 18 The procedure has its basis in the Convention itself, notably Article 46(1), according to which Contracting Parties 'undertake to abide by the final judgment of the Court'. The ECtHR has also invoked Article 1 (the general obligation on Contracting Parties to respect human ...

### Can the European Court's Pilot Judgment Procedure Help ...

Pilot Judgment Procedure Included in Rules of Court The phenomenon of the Pilot Judgment Procedure for a long time lacked a clear legal basis, although it had a stronger political backing by way of calls of the Committee of Ministers. In addition, it was not always clear when and how the European Court of Human Rights would use the procedure.

### ECHR BLOG: Pilot Judgment Procedure Included in Rules of Court

Title: FS\_Pilot\_judgments\_ENG Subject: FS\_Pilot\_judgments\_ENG Created Date: 5/29/2020 5:59:10 PM

### FS Pilot judgments ENG

The pilot judgment procedure and its application in the jurisprudence of the European Court of Human Rights concerning Romania, Pandectele Romane Magazine, 2, 241-251. The European Court of Human Rights requirements concerning the excessive length of proceedings in Romanian national law system. Under the pilot judgment procedure, the Court identifies the cause of.

### Pilot Judgment Procedure - How is Pilot Judgment Procedure ...

By finding this, the Court had the possibility to start the pilot judgment procedure. With the Committee of Ministers Resolution Res(2004)3 the Court has been invited to as far as possible, to identify, in its judgments finding a violation of the Convention, what it considers to be an underlying systemic problem and the source of this problem ...

### Deciding on the pilot judgment procedure | Strasbourg ...

The pilot-judgment procedure is designed to cope effectively with the systemic human rights problems that lead to large numbers of repetitive applications.10Through the pilot judgment, the Court attempts to identify defects arising from a "widespread or systemic problem on the national level."

### Comparing Class Actions and Pilot Judgments: How the ...

Since the Court adopted its first pilot judgment in 2004, another 24 such judgments and an even greater number of follow-up rulings to these judgments have ensued. This article analyses and comments on the functioning of the procedure which these judgments set in motion: the pilot judgment procedure (PJP). Insights are thereby provided into a procedure that is of great importance to (potential) applicants to the Court and to the European Convention on Human Rights system from both a ...

### The Functioning of the Pilot-Judgment Procedure of the ...

From this perspective of dialogue, this paper focuses on the Court's pilot judgment procedure. This procedure was introduced in 2004 to deal speedily and effectively with repetitive cases resulting of a systemic or structural dysfunction on the national level.

### The Pilot Judgment Procedure Before the European Court of ...

While the pilot judgment procedure may be an effective tool for cases concerning lengthy trials or post-communist property violations which stem

from a malfunctioning legislation, its application to gross and systematic violations is in tension with the Court's pro victim approach, which requires victims to have access to 'an adequate and effective remedy, whether national or international'.<sup>16</sup>

### **Forsaking Individual Justice: The Implications of the ...**

This article dismisses the idea that the pilot judgment procedure at the European Court of Human Rights is an innovation and postulates that the procedure may do the court more harm than good by exceeding the court's mandate and inducing the

### **(PDF) Much ado about nothing: The pilot judgment procedure ...**

The Pilot-Judgment Procedure of the European Court of Human Rights.. [Dominik Haider] -- In The Pilot-Judgment Procedure of the European Court of Human Rights Dominik Haider examines if this recent approach to tackle structural human rights deficiencies in member states is reconcilable ...

### **The Pilot-Judgment Procedure of the European Court of ...**

In an effort to stay afloat amid the growing tide of cases, the Court instituted the so-called "pilot-judgment procedure." Through this procedure, the Court attempts to address systemic violations on the domestic level that give rise to large numbers of repetitive applications by adjudicating an individual case.

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