

AN EMPIRICAL LOOK AT THE AMICUS CURIAE PRACTICE OF HUMAN RIGHTS NGOs BEFORE THE EUROPEAN COURT OF HUMAN RIGHTS

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Abstract

This article explores the practice of third-party interventions by human rights non-governmental organisations (NGOs) before the European Court of Human Rights (ECtHR). Although permitted for over two decades, this practice has not been exhaustively documented. The approach adopted in this research has been to carefully review the Court's database and to collect the amicus curiae briefs themselves, ranging from 1986 to 2013. This approach enables an accurate depiction of the amicus curiae activity before the Court in terms of figures. First, this research confirms the numerical increase of amicus participation. A little more than 140 human rights NGOs have been identified as third-party interveners before the Court: in addition to the traditional UK-based charities and large transnational human rights organisations, the Court is more and more confronted with the presence of smaller and more specialized groups, as well as, recently, conservative groups. Finally, the results challenge the assumption that the presence of human rights NGOs acting as amici increases the likelihood that the Court finds a violation.

Keywords: *Amicus curiae*; Article 36 (2) ECHR; Civil Society; European Court of Human Rights; NGOs; Third-Party Intervention

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1. INTRODUCTION

Although non-governmental organisations (NGOs), along with States and individuals, began to submit *amicus curiae* briefs¹ to the European Court two decades ago and contribute in many ways to the work of the Court, little is known about this practice. In general, in Europe, little attention has been paid to civil society initiatives when it comes to legal mobilization,² reinforced in this case by the lack of empirical data readily available to scholars.

The European Convention on Human Rights of 1950 ‘was the first international human rights instrument to aspire to protect a broad range of civil and political rights both by taking the form of a treaty legally binding on its High Contracting Parties and by establishing a system of supervision over the implementation of the rights at the domestic level’.³ It created the European Court of Human Rights, located in Strasbourg, which monitors State compliance with the Convention. Today, its jurisdiction extends over 47 member States and more than 800 million people. The significance of the Court and its case law in Europe and beyond is undeniable.⁴ The Court stated itself that ‘Although the primary purpose of the Convention system is to provide individual relief, its mission is also to determine issues on public-policy grounds in the common interest, thereby raising the general standards of protection of human rights and extending human rights jurisprudence throughout the community of Convention States’.⁵ Thus, it is not surprising that interest groups such as NGOs became willing to get involved in the Court proceedings.

This exploratory research focuses on mapping the interventions of human rights NGOs before the Court. The interest for the topic lies in the fact that despite their essential role, no empirical work has examined the phenomenon so far;⁶ that articles focusing on third-party interventions seem to always cite the same ‘famous’ or well-documented third-party interventions; and that an increasing trend of participation

¹ Henceforth, *amicus curiae* briefs will be referred to as ‘amicus briefs’ or ‘briefs’ and filers of amicus briefs will be referred to as ‘amici’.

² Frances Zemans defines legal mobilization as ‘the translation of a [...] want into a demand framed as an assertion of rights’; F Zemans, ‘The Neglected Role of the Law in the Political System’ (1983) 77 *The American Political Science Review* 690, 700.

³ D Gomien, *Short Guide to the European Convention on Human Rights* (Council of Europe Publishing 2000) 12.

⁴ S Greer, *The Margin of Appreciation: Interpretation and Discretion under the European Convention on Human Rights* (Council of Europe Publishing 2000) 190.

⁵ *Karner v Austria* App no 40016/98 (ECtHR, 24 July 2003), para. 26.

⁶ See for the most advanced attempt: L Hodson, *NGOs and the Struggle for Human Rights in Europe* (Hart Publishing 2011). Cichowski has also created her own dataset but only up to 1998 as regards third party interventions; R Cichowski, ‘Civil Society and the European Court of Human Rights’ in J Christoffersen and M Madsen (eds), *The European Court of Human Rights between Law and Politics* (OUP 2012) 77.

is taking place, as can be illustrated by the case of *Lautsi v Italy*.⁷ The aim of this research was thus first to establish a database as complete as possible and then to identify and analyse some of the trends. This should give a more accurate idea of what is occurring and hopefully provide a corpus for future research (for example studies that concentrate on impact measurement).

Written comments can be submitted before the ECtHR by ‘any State or person concerned not party to the proceedings’.⁸ However, this research focuses on interventions by one of the largest and most prolific type of intervener – non-governmental organisations dedicated to the promotion and protection of human rights⁹ – with the aim of illustrating their growing presence at this supranational level.¹⁰

The next section sets the theoretical framework characterizing the topic, looking at the evolving definition of the *amicus curiae* device and at the roles scholars have attributed to it. It then looks at the Court’s position towards it and outlines the applicable procedure. A brief point will explain, from a methodological point of view, how the database was constructed. The last section analyses the results, depicting the practice of *amicus curiae* before the Court in terms of numbers. More specifically, it looks at the concerned organisations and the cases in which *amici* appear.

2. THE AMICUS CURIAE: ORIGIN, ROLES AND PROCEDURE

2.1. THE AMICUS CURIAE: DEFINITION AND ROLES

A traditional translation of *amicus curiae* is ‘a friend of the court’. The term is applied ‘to a bystander, who without having an interest in the cause, of his own knowledge

⁷ *Lautsi v Italy* App no 30814/06 (ECtHR, 18 March 2011). After a Chamber unanimously ruled that the compulsory display of a religious symbol in classrooms restricted the right of parents to educate their children in conformity with their convictions, and the right of children to believe or not to believe, it was referred to the Grand Chamber. It received an unprecedented number of third-party interventions: ten States (with two having issued statements of support), ten NGOs and a group of members of the European Parliament provided briefs. Two groups were not granted the right to intervene and only the States were allowed to take part in the public hearings.

⁸ Article 36(2) of the European Convention of Human Rights. There are three main classes of persons whose intervention is welcomed by the Court: States, the Human Rights Commissioner and persons with an interest in the case. Under the last, there are individuals other than the applicant with a clear interest in the domestic proceedings to which an application before the ECtHR relates; entities, groups or individuals with relevant specialist legal expertise or factual knowledge (like NGOs, national groups, experts), a few industry interest groups, but also international organisations.

⁹ As is explained below this is understood in broad terms. Any kind of non-profit association will be included, e.g. law school clinics and research centres.

¹⁰ J Mertus, ‘From Legal Transplants to Transformative Justice: Human Rights and the Promise of Transnational Civil Society,’ (1999) 14 *American University International Law Review* 1335.

makes suggestion on a point of law or of fact for the information of the presiding judge'.¹¹

Since its inception under the English common law system,¹² the use of the *amicus curiae* status has undergone change and modification. 'Most notably, the amicus device evolved into a means of representing third-party interest potentially affected by ongoing litigation'.¹³

Particularly prominent in the US,¹⁴ the traditional concept of *amicus* as a neutral bystander has also evolved, legitimately performing an advocacy function. Since the 1990s *amici curiae* have become more prominent before international courts and tribunals¹⁵ and have played a major role in the context of courts specialized in human rights.¹⁶

Procedurally, it can be said that 'the history of the amicus device hinges on a single principle: flexibility'.¹⁷ Usually, courts retain a broad discretionary power over all aspects of *amicus* participation:¹⁸ on who can be an *amicus*; on whether or not it permits them; on the form of that participation; and the scope of the submissions.¹⁹

As the existing literature (which focuses mainly on American and international courts) has largely examined the roles and functions traditionally assigned to *amicus curiae*, they will just be briefly summarized here.

First, in line with their historical presence before courts, an *amicus curiae* provides information. This can take the form of legal expertise or factual information.²⁰ The *amicus* can also inform the court of the *broader consequences* of the cases, by showing the potential implications of a decision or to point out unintended consequences for people or groups not party to the suit.²¹ Many authors grant a prominent place

¹¹ B Abbott, *Dictionary of Terms and Phrases* cited by S Krislov, 'The Amicus Curiae Brief: From Friendship to Advocacy' (1963) 72 *The Yale Law Journal* 694–721.

¹² For a historical review see Krislov (n 11); E Angell, 'The Amicus Curiae American Development of English Institutions' (1967) 16 *The International and Comparative Law Quarterly* 1017; and O Simmons, 'Picking Friends from the Crowd: Amicus Participation as Political Symbolism' (2009) 42 *Connecticut Law Review* 185.

¹³ K Lowman, 'The Litigating Amicus Curiae: When Does the Party Begin after the Friends Leave' (1991) 41 *American University Law Review* 1243, 1244.

¹⁴ L Bartholomeusz, 'The Amicus Curiae before International Courts and Tribunals, (2005) 5 *Non-St. Actors & International Law* 209, 211.

¹⁵ *Ibid.*

¹⁶ J Viñuales, 'Human Rights and Investment Arbitration: the Role of Amici Curiae' (2006) 8 *International Law: Revista Colombiana de Derecho Internacional* 231, 242.

¹⁷ Lowman (n 13) 1247.

¹⁸ Bartholomeusz (n 14) 276.

¹⁹ *Ibid.*

²⁰ On the broader consequences it can yield see J Smith, R Pagnucco, and G Lopez, 'Globalizing Human Rights: The Work of Transnational Human Rights NGOs in the 1990s' (1998) 20 *Human Rights Quarterly* 379; P Smith, 'The Sometimes Troubled Relationship between Courts and their Friends' (1997) 24 *Litigation* 24; and P Berman, 'From International Law to Law and Globalization' (2004) 43 *Columbia Journal of Transnational Law* 485.

²¹ V Flango, D Bross and S Corbally, 'Amicus Curiae Briefs: The Court's Perspective', (2006) 27 *The Justice System Journal* 180, 181.

to the role of representation of the *public interest*.²² Of course, ‘the extent to which NGOs represent the public interest is a matter of some debate. In general, NGOs will represent what they deem to be in the public interest’.²³

Amicus curiae can also raise the attention of *public opinion*, playing ‘an important role in a democratic court system’²⁴ as they open dialogue. This goes hand in hand with the *amicus* participation’s contribution to the institutional *legitimacy of courts*, which, among others, depends on some form of inclusion.²⁵

At last, especially in the area of human rights, *amicus curiae* briefs by NGOs remind different parties that they are acting as a watchdog, sending a signal to States that they remain vigilant on particular issues.²⁶

Finally, from the group’s perspective, participation in courts helps it pursue its policies. It can legitimize the organisation, signal involvement to its own members, attract new members²⁷ and promote fund-raising.²⁸

Applied to the European Court of Human Rights in particular, Ludovic Hennebel found the following trends relating to the role of influence of *amici*. First, that the Court draws in the briefs necessary elements to affirm the existence of a European or international consensus. Second, it draws inspiration from legal solutions adopted in other systems and third, it relies on the briefs to underscore the different interests at play in a case.²⁹

A recently conducted survey among 20 NGOs active before the European Court of Human Rights³⁰ made apparent that the principal objectives pursued by the groups are to challenge national laws, practices and interpretations, to establish precedents, to inform and influence the Court and to extend the interpretation given to the Convention.

²² M Frigessi di Rattalma, ‘NGOs Before the European Court of Human Rights: Beyond Amicus Curiae Participation?’ in T Treves et al (eds), *Civil Society, International Courts and Compliance Bodies* (TMC Asser Press 2005) 58.

²³ Bartholomeusz (n 14) 279. For an interesting discussion see S Hannett, ‘Third Party Intervention: In the Public Interest?’ (Spring 2003) Public Law 128, 135 and M Arshi and C O’Cinneide, ‘Third-party Interventions: the Public Interest Reaffirmed’ (Spring 2004) Public Law 69.

²⁴ R Garcia, ‘A Democratic Theory of Amicus Advocacy’ (2007) 35 Florida State University Law Review 315, 338.

²⁵ Simmons (n 12) 209.

²⁶ N Ahmed, *Public Interest Litigation, Constitutional Issues and Remedies* (Legal Aid and Trust 1999) 155.

²⁷ See A Revillard, ‘Entre arène judiciaire et arène législative: les stratégies juridiques des mouvements féministes au Canada’ in J Commaille & M Kaluszynski (eds), *La Fonction Politique de la Justice* (La Découverte 2007).

²⁸ Frigessi di Rattalma (n 22) 58.

²⁹ L Hennebel, ‘Le rôle des amici curiae devant la Cour européenne des droits de l’homme’ (2007) 71 Revue Trimestrielle des Droits de l’Homme 641, 658.

³⁰ L Van den Eynde, ‘Litigation Practices of Non-Governmental Organisations Before the European Court of Human Rights’ in *European Master’s Degree in Human Rights and Democratisation: Awarded Theses of the Academic Year 2009/2011* (Marsilio Editori 2011) 245, 297.

2.2. INITIAL ATTITUDE OF THE EUROPEAN COURT OF HUMAN RIGHTS TOWARDS NGOs' PARTICIPATION IN THE PROCEEDINGS

1998 marked a fundamental change in the Court system, as the jurisdiction of the Court was rendered compulsory. The 'filter' mechanism of the Commission was abolished and the right of individual petition was established. Article 34 of the ECHR stipulates that 'The Court may receive applications from any person, non-governmental organisation or group of individuals claiming to be the victim of a violation by one of the High Contracting Parties of the rights set forth in the Convention or the protocols thereto'. However, concerning NGOs, this right has been restrictively interpreted by the Court, narrowing the possibilities for them to act as claimants. Indeed, the Court requires 'that for professional associations and NGOs to be regarded as victims they must show that they themselves are in some way affected by the measure complained of'.³¹ It thus excludes claims made in the collective interest, or applications introduced by associations for the defence of their statutory purpose.³² This feature clearly limits the possibilities of instituting cases with the aim of broadening or strengthening international human rights standards.³³ As NGOs do not have *locus standi* before the ECtHR to act on behalf of alleged victims within their field of competence, third-party interventions have effectively become one of the few available avenues for NGOs to be involved in cases before the Court, next, of course, to the support they can provide to victims in other forms (by acting as representatives, providing financial support, helping the applicant's lawyer and so on).

Initially, only third-party interventions by States in favour of their nationals were regulated³⁴ and interventions in the interest of the proper administration of justice were foreseen neither for States nor for private parties. First, the Court did not accept spontaneous *amici*.³⁵ At that time the Commission perceived its role as impartial and

³¹ N Vajic, 'Some Concluding Remarks on NGOs and the European Courts of Human Rights' in T Treves et al (eds), *Civil Society, International Courts and Compliance Bodies* (TMC Asser Press 2005) 94. From 1999–2003, 29 judgments are estimated to originate in an application filed by an NGO – and this includes political parties; A-K Lindblom, *Non-Governmental Organisations in International Law* (CUP 2005) 254.

³² O De Schutter, 'L'émergence de la société civile dans le droit international: le rôle des associations devant la Cour européenne des droits de l'homme' (1996) 7 *European Journal of International Law* 372, 372. See L-E Pettiti and O De Schutter, 'Le rôle des associations dans le cadre de la Convention Européenne des droits de l'Homme' (1996) 31 *Journal des Tribunaux de Droit Européen* 145 for further distinctions between types of actions they could introduce (indirect victim, joint representation, etc.).

³³ Frigessi di Rattalma (n 22) 41.

³⁴ Article 48(b) of the Convention. For a detailed historical review of the practice of third party interventions before the Court see G Dutertre, 'La pratique de la tierce intervention devant la Cour à la lumière de la Convention et du règlement intérieur' in E Decaux and C Pettiti (eds), *La Tierce Intervention Devant la Cour Européenne des Droits de l'Homme* (Emile Bruylant 2008).

³⁵ Dinah Shelton cites the case of *Tyrer v The United Kingdom* App no 5856/72 (ECtHR, 25 April 1978) where the Court, without discussion, refused the request of the National Council for Civil Liberties; D Shelton, 'The Participation of Nongovernmental Organizations in International Judicial Proceedings' (1994) 88 *The American Journal of International Law* 611, 630.

capable of presenting the general interest before the Court.³⁶ However, in 1981, in the case *Young, James and Webster v the United Kingdom*³⁷ the Court accepted to hear a representative of the British Trade Union Congress. This case underscored the need to define a legal basis allowing for this type of third-party participation, which eventually came in the form of an amendment to the Rules of the Court.³⁸ These were amended several times and different versions coexisted until finally, with the entry into force of Protocol 11, third-party interventions were mentioned in the Convention itself and given a more visible place in the Court's rules.³⁹

2.3. THIRD-PARTY INTERVENTION PROCEDURE BEFORE THE EUROPEAN COURT OF HUMAN RIGHTS

Today, third-party interventions are governed by article 36 of the Convention and article 44 of the Rules of the Court. Article 36 provides that '(1) In all cases before a Chamber or the Grand Chamber, a High Contracting Party one of whose nationals is an applicant shall have the right to submit written comments and to take part in hearings. (2) The President of the Court may, in the interest of the proper administration of justice, invite any High Contracting Party which is not a party to the proceedings or any person concerned who is not the applicant to submit written comments or take part in hearings and (3)⁴⁰ In all cases before a Chamber or the Grand Chamber, the Council of Europe Commissioner for Human Rights⁴¹ may submit written comments and take part in hearings'.

There are thus two different situations: one where the Court invites an *amicus curiae* submission⁴² and one where a third-party seeks to provide information to the Court on its own initiative. Acceptance of such briefs is 'at the discretion of the President of the Court'.⁴³

Rule 44 provides that, once notice of an application has been given to the respondent State, the President of the Chamber may invite, or grant leave to, any person concerned who is not the applicant, to submit written comments or, in

³⁶ Hennebel (n 29) 644; De Schutter (n 32).

³⁷ *Young, James and Webster v the United Kingdom* App nos 7601/76 and 7806/77 (ECtHR, 13 August 1981).

³⁸ Viñuales (n 16) 242.

³⁹ Dutertre (n 34) 107–108.

⁴⁰ This last paragraph was introduced by Protocol 14, which entered into force on 1 June 2010. It has been used for the first time in the case *The Center for Legal Resources on behalf of Valentin Câmpeanu v Romania* App no 4982/07 (ECtHR, pending).

⁴¹ Created in 1999, the Commissioner is an independent institution within the Council of Europe mandated to promote human rights; Hennebel (n 29) 647.

⁴² Not many cases are to be found. When the Court does it, it mostly invites States, the Commissioner for Human Rights or the United Nations High Commissioner for Refugees.

⁴³ R Mackenzie, 'The Amicus Curiae in International Courts: Towards Common Procedural Approaches?' in T Treves et al (eds), *Civil Society, International Courts and Compliance Bodies* (TMC Asser Press 2005) 303.

exceptional cases, to take part in hearings. Requests for leave for this purpose must be submitted not later than twelve weeks after notice of the application has been given to the respondent Contracting Party. As noted by an NGO ‘there is no prescribed form, no fee for requesting leave, and no need to seek the consent of the parties. The only requirements are that the request is ‘duly reasoned’ and made in one of the official languages of the Court: French or English’.⁴⁴

3. METHODOLOGY: ESTABLISHING THE RESEARCH POPULATION

Unfortunately, the briefs submitted to the Court are not listed in any comprehensive database.⁴⁵ The online database of the Court, ‘HUDOC’,⁴⁶ which contains the final decisions and judgments, does not have a specific file or tab for *amicus curiae* briefs.⁴⁷ The path to find the existence of NGOs’ *amicus curiae* briefs and establish a list was thus twofold. First, the HUDOC database was used. While not listing specifically the third-party interventions, at least, most of the time, the Court mentions in the procedural section of the judgment if an *amicus* was allowed to intervene. Therefore, the first way to proceed was to search the HUDOC database (decisions as well as judgments) for the keywords: ‘37§2’, the article allowing third-party interventions before the entry into force of Protocol 11; ‘36§2’, the current article allowing third-party interventions; ‘Rule 44§2’, which organises them under the Rules of the Court; ‘amicus’ and ‘third-party interventions’ (as the Court uses them interchangeably). As said above, while other entities intervene before the Court, as this article focuses on human rights NGOs, the list had to be refined. The following working definition, inspired by Edwards⁴⁸ has been used. Human rights NGOs, as depicted in this article, must:

- be private (that is, not established by a government or an intergovernmental agreement);
- be independent (and thus not controlled by a government);

⁴⁴ JUSTICE ‘To Assist the Court, Third Party Interventions in the UK, a JUSTICE Report’ (2009) <www.justice.org.uk/publications/listofpublications/index.html> at 24.

⁴⁵ Although previously the Court would record them (accepted and refused amici) under the ‘miscellaneous section’ of its reports.

⁴⁶ www.echr.coe.int/echr/en/hudoc/.

⁴⁷ A search query for Article 36(2) in the recently enhanced “article search” of the HUDOC database returns only 123 cases.

⁴⁸ G Edwards, ‘Assessing the Effectiveness of Human Rights Non-Governmental Organizations (NGOs) From the Birth of the United Nations to the 21st Century: Ten Attributes of Highly Successful Human Rights NGOs’ (2010) 18 Michigan State University DCL Journal of International Law 165, 172. See also the definitions of P Macalister-Smith, ‘Non-Governmental Organizations, Humanitarian Action and Human Rights’ in U Beyerlin, et al, *Recht Zwischen Umbruch und Bewahrung: Völkerrecht, Europarecht, Staatsrecht: Festschrift für Rudolf Bernhardt* (Springer 1995); and A Vakili, ‘Confronting the Classification Problem: Toward a Taxonomy of NGOs’ (2007) 25 World Development 2057 – 2070.

- be non-profit; and
- have as a primary concern the protection or promotion of one or more human rights.

Therefore, groups whose primary goal is not the defence of human rights such as professional associations have been excluded.⁴⁹ From the results thus obtained, interventions from groups which do not qualify under this definition (such as professional associations, international organisations and national human rights institutions) were filtered out.

However, using only the HUDOC database is problematic as there are still imperfections: 1) it appears that the Court has occasionally ‘forgotten’ to mention an *amicus*;⁵⁰ 2) it sometimes (fortunately rarely) only mentions ‘a third-party intervener’ without specifying who; and finally 3) the third-party interventions in pending cases are not be found until there is a judgment. In order to complete the list of NGOs other methods were used: the internet was searched and the websites of NGOs that appeared in the first research stage were further scrutinized. Lists of the briefs thus identified were sent to the issuing organisations to obtain confirmation that they were exhaustive. The final number at the time of writing is 294 briefs submitted in 237 cases. While the number of collected briefs must be close to reality, some may admittedly have been missed.⁵¹ A coding sheet has been established to record the information systematically and can be found in the Appendix to this article.

4. PRACTICE OF THE AMICUS CURIAE BEFORE THE EUROPEAN COURT OF HUMAN RIGHTS: FACTS AND FIGURES

4.1. FIGURES OF THIRD-PARTY INTERVENTIONS BEFORE THE EUROPEAN COURT OF HUMAN RIGHTS

First, it can be observed that the number of third-party interventions grows steadily (for example there has been more interventions in 2010 than over the entire period 1985–1996). Figure 1 illustrates the increase in terms of *amicus* participation the Court has witnessed in recent years.⁵²

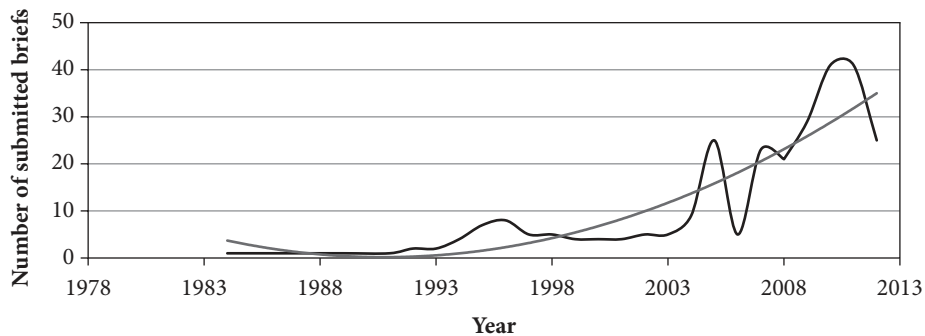
⁴⁹ However, some of them remain in the final list if they are part of a joint intervention made with an NGO meeting the criteria. The criteria have been understood broadly, so as to include groups which fight for the recognition of a human right (such as the right to die in dignity) and to include law school clinics as well as umbrella organisations of NGOs.

⁵⁰ See column 8 of the Results in the Appendix.

⁵¹ And are probably condemned to belong to the dustbin of history if the archives of the Court do not undertake action and/or the NGOs do not publicize their old briefs.

⁵² The numbers for 2013 have not been included as they could not be representative.

Figure 1. Number of NGOs' interventions per year



Since its creation, the Court has delivered more than 17,000 judgments.⁵³ Since the 1998 reform, there has been a considerable increase in the Court's caseload and today approximately 113,350 applications are pending.⁵⁴ As third-party interventions of human rights NGOs have been identified in 237 cases, relatively speaking, these *amici curiae* have thus participated in only 1.3 per cent of the ECtHR's proceedings. It is interesting to note that the ratio is higher before the Grand Chamber. The Grand Chamber, composed of more judges than the 'normal' chambers,⁵⁵ has a special role in safeguarding a unified interpretation of the Convention and preventing risks of inconsistency among judgments. The cases that raise the most important and leading legal issues⁵⁶ end up before this body in either of two ways:⁵⁷ either the parties request referral of the decision they obtained from a Chamber or, more frequently, the assigned Chamber decides to relinquish the case to the Grand Chamber. The Grand Chamber has delivered 307 judgments in total⁵⁸ and saw NGOs' interventions in 65 of them – that is in 21 per cent of the cases.

For common law scholars and practitioners, these numbers can appear very low, particularly in comparison with the US Supreme Court,⁵⁹ and it might seem difficult

⁵³ European Court of Human Rights, *Overview 1959–2011* (Council of Europe Publishing 2012) 3, updated with the information available on the Court's website on 22 July 2013 <www.echr.coe.int/Pages/home.aspx?p=reports&c=#n1347956767899_pointer>.

⁵⁴ As of 30 June 2013: 'Pending applications allocated to a judicial formation' <www.echr.coe.int/Pages/home.aspx?p=reports&c=#n1347956767899_pointer> accessed 22 July 2013.

⁵⁵ Chapter V of the Rules of the Court.

⁵⁶ J Sikuta, and E Hubalkova, *European Court of Human Rights: Case Law of the Grand Chamber 1998–2008* (TMC Asser Press 2007).

⁵⁷ See Articles 30 and 43 of the Convention.

⁵⁸ European Court of Human Rights, 'Grand Chamber Judgments, Advisory Opinions and Decisions (last updated 22 June 2012)', <www.echr.coe.int/ECHR/EN/Header/The+Court/The+Court/The+Grand+Chamber/> last accessed 19 March 2013; updated with the available statistics on 22 July 2013. The percentage is even higher if the third party interventions made before the former plenary Court are taken into account.

⁵⁹ Here are some numbers concerning the US Supreme Court: during the 1990–2001 terms, at least one amicus brief was filed in almost 90 per cent of cases before the Court: see P Collins, *Friends of the Supreme Court: Interest Groups and Judicial Decision Making* (OUP 2008) 46. Comparing the

to understand why interest groups do not participate or even seek to participate more. First, it should be stressed that some requests to intervene are not accepted. However, those numbers should not radically change the ratio described above as only about 20 ‘refusals’ could be found. Again, the lack of official data is even truer in the latter, where the judges mention them on a purely ad-hoc basis. According to most scholars and litigating groups that have been surveyed,⁶⁰ the ECtHR has demonstrated that it is particularly receptive to *amicus* participation and ‘leave to intervene by way of written submissions is almost always granted’.⁶¹ Yet, according to a previous Registrar of the Court (and newly elected judge), Paul Mahoney, a lot of requests are refused.⁶² The reasons for not granting leave (once the procedural requirements are fulfilled) seem to fall into three categories: ‘either the information sought to be provided concerns States other than the defendant State, or the issues do not present a sufficiently proximate connection with the case before the Court or the intervention is not seen as necessary by the Court’.⁶³ To these reasons, according to one NGO interviewed, a not clearly defined ‘political’ one should be added to this list.⁶⁴ However, the Court’s current Deputy Registrar explained that if some judges and member States ‘had previously been somewhat uncertain about the value of interventions’⁶⁵ the Court has today ‘a healthy practice’ of interventions and even promotes them.⁶⁶ Bartholomeusz suggests that ‘for those familiar with the Court’s practice, it is probably clear when applications for third-party intervention are likely to be successful. If this is correct, the low number of refused requests for intervention might be explained on the basis that, if a request has little likelihood of success, it is unlikely to be made at all’.⁶⁷

1946–1955 and the 1986–1995 decades, Kearney and Merrill measured an 800 per cent increase in terms of amicus participation (from 531 briefs to 4907): J Kearney and T Merrill, ‘The Influence of Amicus Curiae Briefs on the Supreme Court’ (2000) 148 *University of Pennsylvania Law Review* 743, 752. The numbers are even more overwhelming when including the briefs in favor of granting certiorari, in opposition, for affirmance, etc.: for the 1982 term for example, Caldeira and Wright note that the Supreme Court ‘had well over 3000 “friends”’: G Caldeira and J Wright, ‘Amici Curiae before the Supreme Court: Who Participates, When, and How Much?’ (1990) 52 *The Journal of Politics* 782, 789. Kelly Lynch notes that ‘A record 107 briefs were filed in the University of Michigan affirmative action cases’ [*Grutter v Bollinger* 123 S. Ct. 2325 (2003) and *Gratz v Bollinger* 123 S. Ct. 2411 (2003)]; K Lynch, ‘Best Friends – Supreme Court Law Clerks on Effective Amicus Curiae Briefs’ (2004) 20 *Journal of Law and Politics* 33, 33. See also K O’Connor and L Epstein, ‘Amicus Curiae Participation in US Supreme Court Litigation: An Appraisal of Hakman’s “Folklore”’ (1981) 16 *Law and Society Review* 311.

⁶⁰ Van den Eynde (n 30).

⁶¹ JUSTICE (n 44) 24.

⁶² P Mahoney, ‘Commentaire’ under Sicilianos, Linos-Alexandre, ‘La tierce intervention devant la Cour européenne des droits de l’homme’ in H Ruiz Fabri and J-M Sorel, *Le Tiers à l’Instance devant les Juridictions Internationales* (Pédone 2005) 155.

⁶³ Van den Eynde (n 30) 284.

⁶⁴ The AIRE Centre commenting on its denied request to intervene in the case *Akman v Turkey* App no 37453/97 (ECtHR, 26 June 2001) interviewed by Hodson (n 6) 104.

⁶⁵ Michael O’Boyle, Section Registrar, interviewed on 4 September 2002 by Hodson (n 6) 52.

⁶⁶ Ibid.

⁶⁷ Bartholomeusz (n 14) 236.

Among the many factors⁶⁸ that could be outlined to explain these differences but which are beyond the scope of this article (aspects of legal culture and tradition, state of civil society, and so on) there is one that should be developed: the fact that much of the Court's caseload is repetitive. Because of the right of individual petition, 'only a fraction of all admissible cases raises a new question of human rights law'.⁶⁹ There are, for example, 'huge numbers of cases based on the length of proceedings and multiple cases about expropriation of property, and the non-execution of judgments',⁷⁰ which involve 'routine application of well-established case law'.⁷¹ In these repetitive cases, which are estimated to represent some 60 per cent of the potentially well-founded cases,⁷² it is understandable that there is no eagerness or rationale to inform or influence the Court. It remains, however, true that, even if these cases were excluded from the calculus, the participation rate of interveners remains very low.

Finally, when granting leave, the Court often prescribes time-limits for receiving the submissions and the maximum length of the briefs. Sometimes it also indicates the scope or the question to be answered by the *amicus*. Finally, the Court will sometimes grant oral participation where such participation might be particularly useful in complementing written submissions, but this is particularly rare.⁷³

4.2. WHO ARE THE THIRD-PARTY INTERVENERS? MEETING THE ACTORS

Who are the human rights NGOs active before the Court? 142 different NGOs have been identified as matching the criteria and can be found in column 6 of the table (see Appendix).

Far from forming a homogeneous group, it is difficult to give a general picture of these actors. Some are transnational NGOs and others are small, local associations.

⁶⁸ 'External' factors play a role such as the difficulty of obtaining information about submitted cases, the lengthy proceedings before the Court, the restrictive rules on third-party interventions (especially the time requirement) as well as 'internal' factors such as the lack of financial or human resources: L Van den Eynde (n 30) 315–323. See, for other practical considerations which might have a bearing on NGOs' choice to intervene: Hodson, (n 6) 53–55.

⁶⁹ W Verrijdt, 'The Limits of the International Petition Right for Individuals' in E Claes et al (eds) *Facing the Limits of the Law* (Springer Verlag 2009) 343.

⁷⁰ Lord Woolf, 'Review of the Working Methods of the European Court of Human Rights' (2005) <www.echr.coe.int/NR/rdonlyres/40C335A9-F951-401F-9FC2-241CDB8A9D9A/0/LORDWOOLFREVIEWONWORKINGMETHODS.pdf> accessed 26 October 2011, at 38.

⁷¹ P Mahoney, 'New Challenges for the European Court of Human Rights Resulting from the Expanding Case Load and Membership' (2002) 21 Penn State International Law Review 101, 110.

⁷² Verrijdt (n 69).

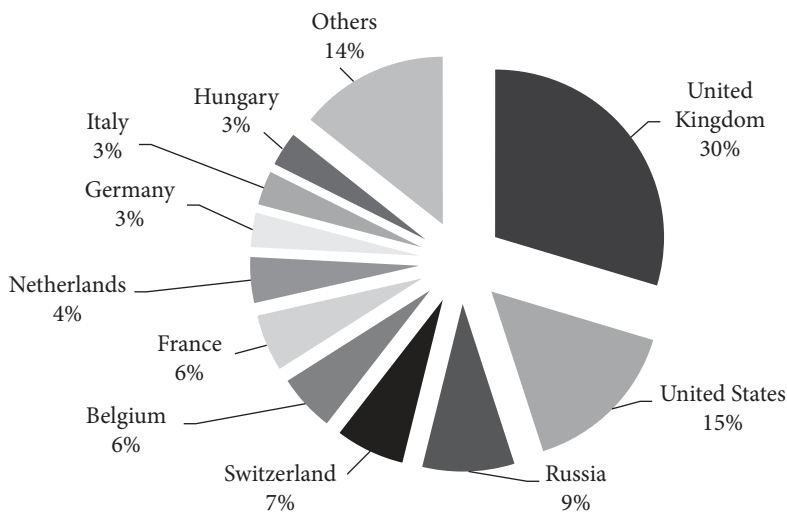
⁷³ According to Mackenzie, (n 43) 81, of the 35 proceedings that the Court heard, and delivered judgment in, between 1 November 1998 and 31 March 2005, and in which third parties intervened, the Court only permitted *amici* to participate in three hearings. For a recent example see the case of *Gas and Dubois v France* App no 25951/07 (ECtHR, 15 March 2012).

Among the many criteria that help categorizing NGOs,⁷⁴ the criteria of the geographical origin and the substantive area of concern in the human rights field have been selected. These criteria will thus be the subject of further analysis, through the determination of their legal status, their primary operating base and their aims (on the basis of their official websites). After a short picture, three observations will be made.

4.2.1. *The Geographical Origin*

This data only indicates the main seat of the NGOs and not their territorial scope of action.

Figure 2. Geographical Origin of NGOs



It shows that the largest group of NGOs active before the Court is based in the United Kingdom.⁷⁵ Interestingly, the second largest group of NGOs comes from the US. Among them, five are law school clinics. The remaining NGOs are dispersed over Central, Eastern and Southern Europe. The small presence of Scandinavian groups is noteworthy.

4.2.2. *The Substantive Area(s) of Concern in the Human Rights Field*

For the purpose of clarity, the groups can be classified according to their area of focus or mandate.⁷⁶ First, a third of active NGOs have 'universal', very broad and inclusive

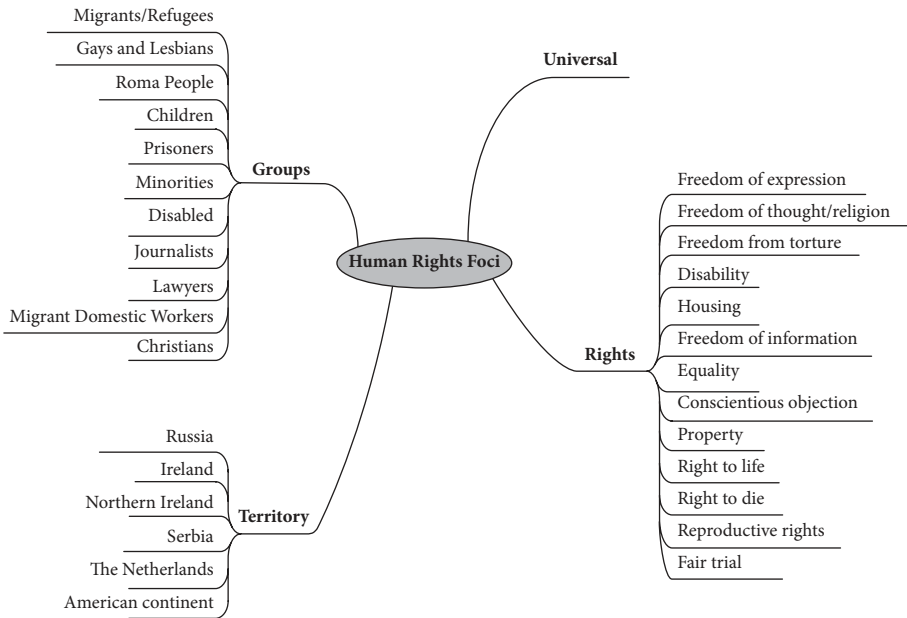
⁷⁴ E.g. size, structure, membership, geographical reach of activity, methods of action, and so on. See for a criticism of such distinctions: P van Tuijl, 'NGOs and Human Rights: Sources of Justice and Democracy' (1999) 52 *Journal of International Affairs* 498–501.

⁷⁵ NGOs which are based in the US but have a seat in London have been counted here too.

⁷⁶ This term refers here to 'a formal expression of an NGO's functions and goals contained in a charter, a policy statement, or any other form of public self-identification'; H Steiner, *Diverse Partners*:

mandates, encompassing human rights in general and not defining a territorial scope of action on which they focus. This group is principally composed of well-known groups such as Human Rights Watch, Amnesty International, Open Society Justice Initiative, International Commission of Jurists, and so on. Second, a large group of NGOs define their action in the human rights field primarily with reference to a group of persons. These focus mainly on: 1) migrants and refugees; 2) gay, lesbian, bisexual and transgender people; 3) Roma people; 4) children; 5) prisoners; 6) minorities in general, 7) journalists, 8) disabled persons, 9) lawyers, 10) migrant domestic workers; and 11) Christians. Third, a quarter of the interveners focus specifically on one category of rights (or even some particular aspects of that category), such as freedom of expression, freedom of thought and religion, freedom from torture and inhuman or degrading treatment, disability rights, freedom of information, and so on. Finally, a few NGOs have broad mandates in terms of issues, but their actions are limited to particular territories (for example Russia or Northern Ireland). Figure 3 illustrates this diversity among the NGOs.

Figure 3. Human Rights Foci of the NGOs



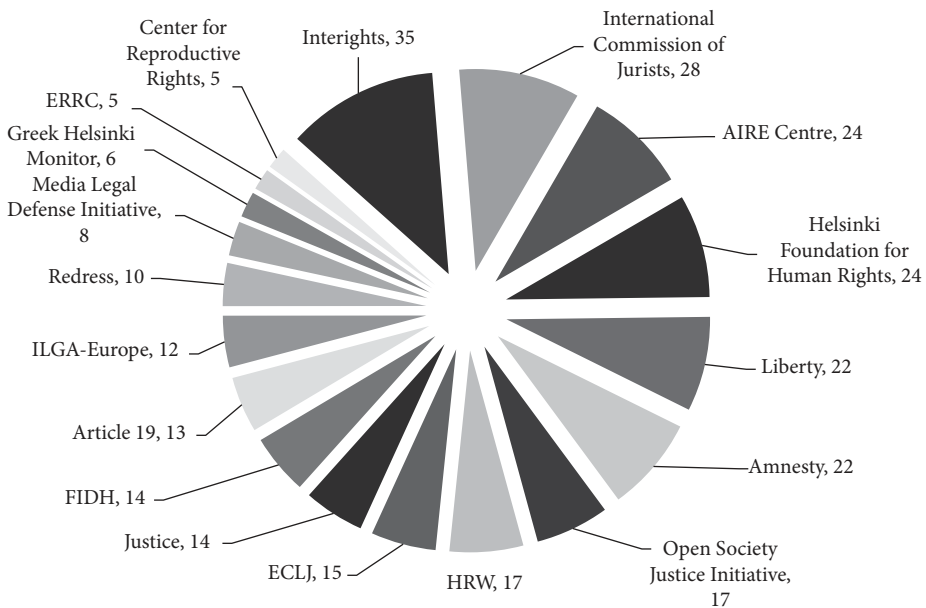
Non-Governmental Organizations in the Human Rights Movement: The Report of a Retreat of Human Rights Activists (Harvard Law School 1991) 8.

4.2.3. Three observations:

4.2.3.1. Presence of Repeat Players

This graph, Figure 4 below, shows the groups that have intervened more than five times before the Court.⁷⁷ Taken together, the activity of these NGOs accounts for 82 per cent of all *amicus* briefs presented.

Figure 4. Repeat Players (Groups which have intervened 5 times or more)



To a certain extent, the distinction established more than a quarter of a century ago by Marc Galanter can be applied to the *amici*.⁷⁸ He classifies litigants as repeat-players or one-shotters. Galanter explains that repeat players are parties that are involved ‘in many similar litigations over time’⁷⁹ and therefore develop expertise that benefit them. Besides, such repeated contact with the Court may also increase their credibility and legitimacy.

⁷⁷ This threshold has been decided ‘arbitrarily’ to define amicus repeat players before the Court.

⁷⁸ M Galanter, ‘Why the “Haves” Come Out Ahead: Speculations on the Limits of Legal Change’ (1974) 9 *Law and Society Review* 95. See for the roles of *amici* on this traditional setting: D Songer, A Kuersten and E Kaheny, ‘Why the Haves Don’t Always Come out Ahead: Repeat Players Meet Amici Curiae for the Disadvantaged’ (2000) 53 *Political Research Quarterly* 537–556.

⁷⁹ Galanter (n 78) 97.

4.2.3.2. The rise of non British-based interveners

To go beyond Figure 4 and analyse it in light of Figure 2, it must be stated that 10 of the 18 ‘repeat players’ are based in the United Kingdom.⁸⁰ According to Anna Dolidze, these have played ‘an instrument role in both formalizing the procedure and developing it further’.⁸¹ Three factors can explain this largely Anglo-Saxon presence. First, in the common law tradition, cases have always offered the opportunity to establish a precedent that would influence subsequent situations, thereby encouraging interest groups to include litigation in their strategies.⁸² Second, Françoise Hampson⁸³ mentions the long tradition in the UK according to which people who share the same concerns create non-political and non-religious organisations to tackle a specific problem. These groups generally have an official status and are not linked to political parties, churches or trade unions. Finally, before the entry into force of the Human Rights Act, the ECHR mechanism was often the first occasion to present a problem in the area of human rights in the UK. This might have familiarized the UK NGOs with the workings of the system early on. But these trends are changing. While it remains true that the forms, structures and resources of civil society within the member States of the Council of Europe vary greatly,⁸⁴ the landscape is becoming more and more diversified. The first appearance of a group located elsewhere than the UK was in 1998, by the European Roma Rights Center, followed by other NGOs established in Brussels, Geneva, Budapest or Paris. Certainly since 2005, a variety of (still often) one-shotters has emerged, especially from Southern and Eastern Europe. Reasons for this are beyond the scope of this article, but two elements can be advanced (especially for the Eastern European groups): first, the provenance of funds from US foundations such as the Ford Foundation and Open Society Foundations, which encourage litigation practices;⁸⁵ and second, an increased amount of US-trained lawyers and/or established channels of cooperation with US or UK organisations.

Other types of intervening groups from outside the UK are law school clinics and university programmes. For the last five years, briefs have been submitted by research institutes and projects from North America (from several renowned American universities – Harvard, Yale, Columbia and Berkeley – and a Canadian programme),

⁸⁰ Or have an office in the United Kingdom.

⁸¹ A Dolidze, ‘Anglo-Saxonizing Rights: Transnational Public Interest Litigation in Europe’ (2011) ASIL Proc. 439, 442.

⁸² Dutertre (n 34) 104.

⁸³ F Hampson, ‘Interventions par des tiers et le rôle des organisations non-gouvernementales devant la Cour européenne des droits de l’homme’ in E Decaux and C Pettiti (eds), *La Tierce Intervention Devant la Cour Européenne des Droits de l’Homme* (Emile Bruylant 2008) 136.

⁸⁴ Ibid.

⁸⁵ A McCutcheon, ‘Eastern Europe: Funding Strategies for Public Interest Law in Transitional Societies’ in M McClymont and S Golub, *Many Roads to Justice: The Law Related Work of Ford Foundation Grantees Around the World* (Ford Foundation 2000).

and from Europe (the Human Rights Centre of the University of Ghent, the European Social Research Unit of the Department of Social Anthropology at the University of Barcelona, two French research centres focusing on human rights and humanitarian law (C.R.D.H. – Université Panthéon-Assas Paris II and C.R.E.D.O.H. – Paris XI), etc.).

4.2.3.3. The appearance of ‘conservative’ groups

Another feature worth underlining is the recent appearance of groups that can be labelled as ‘conservative’. The phenomenon has been observed before the US Supreme Court already for three decades and since then, conservative and libertarian legal advocacy groups have multiplied and gained currency.⁸⁶ Defined primarily by the socially conservative causes they espouse and by the interests they represent (often business, employers and so on), O’Connor and Epstein included in this category groups that reveal ‘a consistent ideological pattern’.⁸⁷ It is natural that they appeared before the ECtHR as well, as ‘[t]he debate about the nature and content of human rights reflects, after all, a struggle for power and for favoured conceptions of the ‘good society’’.⁸⁸ A few groups fitting this definition have advanced their causes before the ECtHR. One type focuses on the right to life, such as the Society for the Protection of Unborn Children, Pro-Life Campaign and Movimento per la vita. The others are faith-based organisations concentrating on the freedom of religion and belief. The two most prominent are NGOs directly stemming from their American counterpart.⁸⁹ First, the American Center for Law and Justice (ACLJ), ‘founded by one of the most visible New Christian Rights leaders’,⁹⁰ has opened a European office in Strasbourg. The European Center for Law and Justice has already intervened in 15 cases before the Court. According to its website, this Christian-inspired organisation bases its action on ‘the spiritual and moral values which are the common heritage of European peoples [...]’.⁹¹ And second, Alliance Defending Freedom (formerly known as Alliance Defense Fund), also an American conservative Christian public interest law firm,⁹² has intervened seven times thus far. It will be interesting to examine the

⁸⁶ A Southworth, ‘Conservative Lawyers and the Contest over the Meaning of Public Interest Law’ (2004) 52 *UCLA Law Review* 1223, 1224.

⁸⁷ K O’Connor and L Epstein, ‘The Rise of Conservative Interest Group Litigation’ (1983) 45 *The Journal of Politics* 479, 480.

⁸⁸ R Claude and B Weston, *Human Rights in the World Community: Issues and Action* (University of Pennsylvania Press 2006) 23.

⁸⁹ For a comparison of goals pursued by American conservative groups see: O’Connor and Epstein, (n 86) 480; T Pell, ‘Conservative Public Interest Litigation’ (2007) 20 *Academic Questions* 246, 247.

⁹⁰ S Brown, *Trumping Religion: The New Christian Right, the Free Speech Clause, and the Courts* (University of Alabama Press 2002) 36.

⁹¹ <www.ecjl.org/About> accessed 10 March 2011.

⁹² Brown (n 89) 41–44.

argumentation used in their briefs and, in general, to keep an eye on the development of this recently started activity of conservative groups before the Court.

4.2.4. Joint Interventions

A joint intervention is an *amicus* brief prepared and signed by more than one organisation. The advantage of doing so is that NGOs rely on more expertise, share the burden of work, avoid repetitions and give more weight to their intervention, so as to avoid being rejected by the Court. As the report of one NGO underlined, ‘there is a healthy tradition of NGO coalitions intervening in high-profile cases’.⁹³ And indeed, out of the 294 *amicus* briefs presented so far to the Court, 92 are joint interventions. For example, the *Al-Skeini* case, arising from the death of six Iraqi civilians and related to the extraterritorial application of the Convention, involved seven NGOs. Another practice that can be observed are briefs signed by one NGO or an expert *on behalf of* other groups. Some NGOs clearly have established patterns of cooperation, while others tend to play more *solo*. With regard to repeat players, it is interesting to note that many briefs see the involvement of a repeat player accompanied by one or more groups that appear only once. These ‘one-shotters’ are often smaller organisations and/or have expertise in one particular field only. Reasons for being part of joint interventions are most probably that the repeat players have the know-how concerning the procedure and already enjoy legitimacy, and/or that these other groups have similar interests than the ones pursued by NGOs but are maybe not used to framing them in the human rights discourse or in the form of an *amicus* brief. Finally, in cases where the NGOs do not intervene jointly in a case, they sometimes explain that they have ‘divided’ the work or at least do not touch upon issues covered by others.⁹⁴

4.3. CASES IN WHICH THIRD-PARTY INTERVENTIONS ARE OBSERVED: DEFENDANT STATES ON THE HOT SEAT AND THE INFLUENCE ON THE OUTCOME OF THE CASE

This section looks at the cases in which human rights NGOs intervened and more particularly at the defendant States involved in these cases and the rates of admissibility and findings of violations in these cases. This section attempts to answer the following two questions: 1) whether there is a link between the geographical origin of NGOs and

⁹³ JUSTICE (n 44) 90.

⁹⁴ For example the brief of Liberty and JUSTICE in the case *Ramzy v the Netherlands* App no 25424/05 (ECtHR, 20 July 2010) states: ‘In their respective submissions, each group of third party interveners reviews the relevant statements of international, regional or domestic bodies, but to avoid duplication, the three groups of third party interveners each endeavour to address different aspects of the issue’ (para 2).

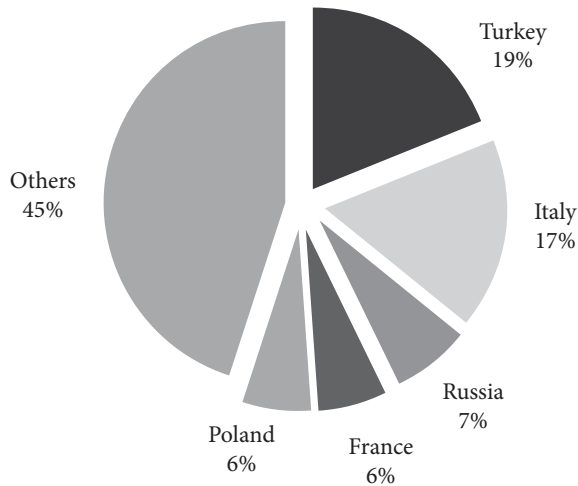
the cases in which they intervene; and 2) whether one or more interventions by NGOs increase the likelihood of success for the party supported.

This section will mostly rely on the numbers yielded by the database tool and later compared with the numbers produced by the Court itself on its general docket's statistics.

4.3.1. *The defendant States*

As a point of comparison, the first two figures try to give an idea of the States that appear the most often before the Court. Figure 5 shows that in the 60 years of the Court's existence, five States count for the majority of judgments finding a violation: Turkey, Italy, Russia, France and Poland.

Figure 5. Defendant States in violation judgments 1950–2010



The next figure shows the defendant States in the cases currently pending before the Court,⁹⁵ to give an idea of what future records might look like: the Russian State is the object of 22,350 applications, followed by Italy with 14,250 applications lodged against it and Turkey with 13,700 applications. Notwithstanding, many of these will likely result in inadmissibility decisions.⁹⁶

⁹⁵ 'Pending applications allocated to a judicial formation' (n 54).

⁹⁶ As only approximately 4,5 per cent of the allocated cases are declared admissible: Council of Europe, *Fifty Years of Activity: the European Court of Human Rights: Some Facts and Figures* (Council of Europe Publishing 2010) 13.

Figure 6. Defendant States in pending allocated cases before the ECHR on 30 June 2013

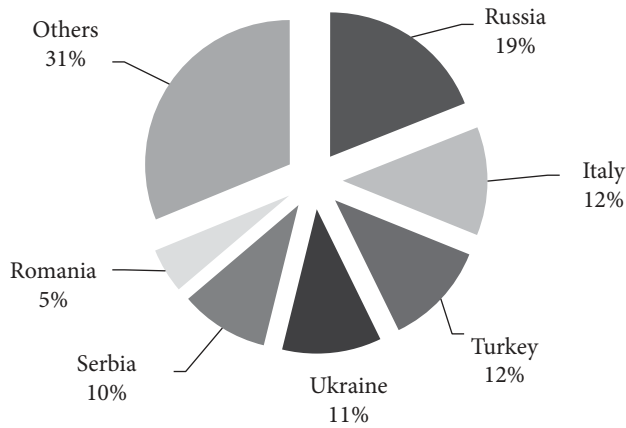


Figure 7 shows the defendant States in the cases with one or more *amicus curiae*. These are, in decreasing order, the United Kingdom, Poland, Turkey, France, Russia, Austria, Greece and the Netherlands. The ‘other’ States have seen less than 10 interventions in cases in which they are involved. It is striking that the United Kingdom did not appear in the two ‘Court’s figures top fives’ but has a prominent place here.⁹⁷ There is a clear link between the high number of briefs targeting the UK and the geographical origin of the NGOs: almost all briefs have been brought by British-based NGOs or NGOs with an office in London.⁹⁸ As said above, British-based NGOs were historically the first third-party interveners before the Court, they are numerous and active, and it is generally easier for NGOs that have followed the case in domestic courts to intervene at the supranational level. Then, there is Poland. Out of 21 cases in which there has been a third-party intervention, the Helsinki Foundation for Human Rights, based in Warsaw, appeared in 14 of them. The next one is Turkey and remarkably, there is not a single Turkish NGO in our database.⁹⁹ Most of the briefs in these cases were introduced by British NGOs. This finding could confirm the fact that briefs are introduced in ‘important’ cases. This seems to be true for Turkish cases, of which half of the concerned cases were decided by the Grand Chamber and among which some became real precedent-setting, frequently cited cases.¹⁰⁰ Cases against

⁹⁷ In the entire history of the Court, the UK has been the object of 462 judgments (as of February 2012); European Court of Human Rights, *Overview 1959–2011*, (n 53) 7. 61 briefs were introduced in 48 different cases, that is, in 10 per cent of the cases UK has been involved in.

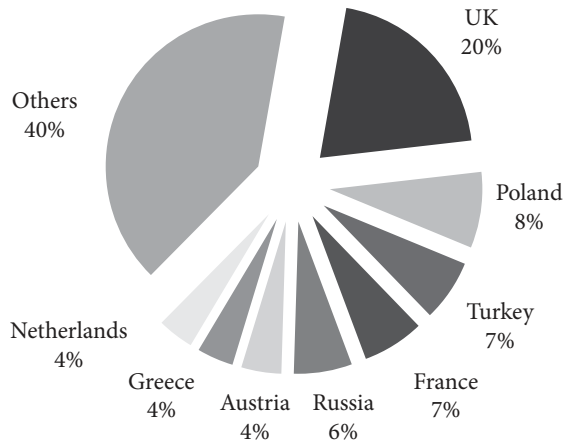
⁹⁸ The only exceptions are three briefs by Rights International, based in New York and one by the Helsinki Foundation, based in Warsaw. A few others are not British-based but part of a joint intervention with British based NGOs.

⁹⁹ See in general: K Boyle, F Hampson and A Reidy, ‘Gross Violations of Human Rights: Invoking the ECHR in the Case of Turkey’ (1997) 15 *The Netherlands Quarterly of Human Rights* 161.

¹⁰⁰ For example *Mamatkulov and Askarov v Turkey* App no 46827/99 (ECtHR, 4 February 2005); *Akdivar and others v Turkey* App no 21893/93 (ECtHR, 16 September 1996); *Kurt v Turkey* App no

France and against the Russian Federation, on the contrary, saw the involvement of a variety of groups (16 NGOs in 17 cases concerning France and 23 NGOs in 16 cases concerning Russia).

Figure 7. Defendant States in the cases in which there has been one (or more) intervention(s)



4.3.2. Figures of admissibility and violations

This subsection aims at giving an accurate description of the figures relating to admissibility decisions and violation judgments in cases where a human rights NGO has intervened. 294 briefs have been submitted in 237 different cases, of which 41 were still pending at the time of writing. Out of the decided cases, 168 were declared admissible and 20 inadmissible.¹⁰¹ Eight cases were struck out of the list.

Usually, third-party interventions take place at the merits stage. But the new Rule 44 of the Court established in 2003 'enables third-party intervention at an early stage i.e. from the moment of the communication of the application to the respondent government and not only after admissibility',¹⁰² as it was before. Intervening for the purpose of deciding admissibility is, however, rare.¹⁰³ The problem is that

24276/94 (ECtHR, 25 May 1998); *Aydin v Turkey* App no 23178/94 (ECtHR, 25 September 1997). In addition, one should not forget the other forms of litigation used by NGOs such as assistance to victims before the Court; see for example C Buckley, *Turkey and the European Convention on Human Rights: A Report on the Litigation Programme of the Kurdish Human Rights Project* (Kurdish Human Rights Project 2000).

¹⁰¹ See column 10 in the Appendix.

¹⁰² *Vajic* (n 31) 98.

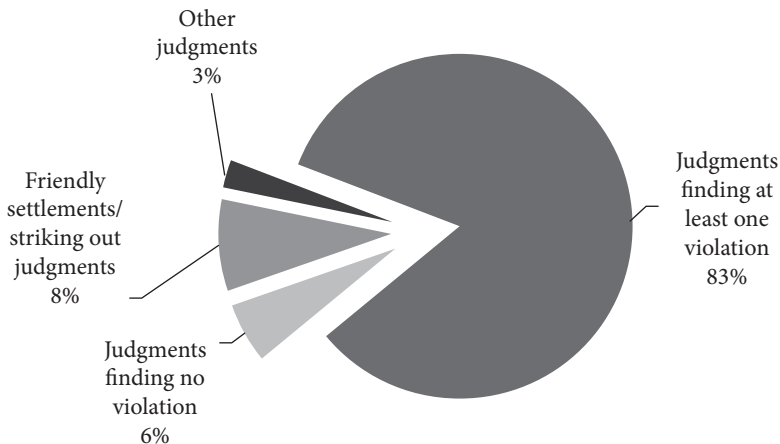
¹⁰³ Interestingly this was found in one judgment: '[...] the Court was contacted by a British human rights NGO, the Redress Trust, seeking leave to submit written comments as a third party. The request was refused by the President. At the same time the President drew the attention of the Redress Trust to the possibility of reintroducing the request should the case be declared admissible'; in *Mikheyev v Russia* App no 77617/01 (ECtHR, 26 January 2006).

inadmissibility can be decided without a communication to the responding government,¹⁰⁴ thus without giving third parties the chance to intervene. Except in cases referred to a Chamber that decides to give notice of the application to the respondent States and invites it to submit written observations on the application,¹⁰⁵ it is not possible for NGOs to seek leave to intervene before the admissibility stage.

Concerning findings of violations, authors continue to cite the above-mentioned study of 1994 of Dinah Shelton,¹⁰⁶ which pioneered the field. She included State *amicus* in her research and her findings suggested that the Court would find violations more often in cases with *amicus* participation (75 per cent of the cases) than without such participation (50 per cent). However, she notes the difficulty of evaluating the overall rate of success and in addition, having only a very small number of cases at her disposal, she compared the cases ‘with interventions’ to the cases in which interventions had been refused. These numbers thus suggest that the presence of one or more *amicus* helps the applicants.¹⁰⁷

The numbers produced by our database question this positive correlation. In general, the Court finds at least one violation in 83 per cent of the cases that pass the admissibility stage.¹⁰⁸

Figure 8. Findings of violations in ECHR judgments



¹⁰⁴ See the procedures provided by Protocol 14 before a single-judge formation, a three-judges Committee and even a Chamber.

¹⁰⁵ Rule 54(2) (b) of the Court.

¹⁰⁶ Shelton (n 35) 637.

¹⁰⁷ As a point of comparison, according to scholars studying the US Supreme Court, *amicus* briefs have very little effect on the outcome of cases and the differences in success rates with or without them is trivial: D Songer and R Sheehan, ‘Interest Group Success in the Courts: *Amicus* Participation in the Supreme Court’ (1993) 46 *Political Research Quarterly* 339, 350–351. These are however debated conclusions.

¹⁰⁸ European Court of Human Rights, *Overview 1959–2011* (n 53) 3.

In cases that involved the participation of one or more human rights NGOs as a third-party intervener, the Court has found at least one violation in 78 per cent of the admissible cases. Moreover, the rate of absence of violation is almost four times higher than for the general docket, which contradicts Shelton's pioneering findings from 1994.

Figure 9. Finding of at least one violation in cases with intervention of one or more NGO(s)



Of course it cannot be concluded that this positive correlation does not exist, as it cannot be known what the results would have been without their intervention. Furthermore, a few supplementary factors should be taken into account. First, some human rights NGOs briefs do not support the applicant but the State. They remain a very small minority but with the rise of conservative groups (cf. *supra*) this proportion might rise. A second factor that should be taken into account – but which goes beyond the scope of this article – is the presence of one or more State *amicus* (or even others) ‘on the other side’ that might also influence the balance.¹⁰⁹ A third factor that is not reflected in this number is that stating that a judgment has found the State to be in violation does not determine whether the human rights NGOs have ‘won’. Sometimes, indeed, the issues addressed in the briefs are not the ones on which a violation is ultimately found.¹¹⁰

5. CONCLUSION

This research aimed at producing a database capable of giving an empirically-based picture of the practice of NGOs third-party interventions before the ECtHR. A total of a little bit less than 300 briefs has been found, a number largely superior to what is usually mentioned in the literature. The anticipated increase of participation has been confirmed. The percentage of cases in which an intervention has been observed

¹⁰⁹ The case of *Lautsi v Italy* (n 7) can undoubtedly be cited. After having ruled against Italy, the ‘crucifix case’ was referred to the Grand Chamber. Three briefs of human rights NGOs were supporting the applicant and Italy got the support of ten States, one human rights NGO and some other organisations acting together. The Grand Chamber reversed the judgment, finding no violation.

¹¹⁰ For example, in the case *Fretté v France* App no 36515/97 (ECtHR, 26 February 2002), the NGO was arguing for the finding of a violation on the basis of the right to private life and discrimination and ultimately the Court judged that there had been a violation of Article 6 (right to a fair trial) instead.

is low when the total docket is taken into account. However, a bigger percentage is observed concerning Grand Chamber cases. This research also finds that a large number of interventions are made jointly and involve repeat-players before the Court. The interveners form a heterogeneous group, from local activists fighting for one particular right to large transnational NGOs, with the noticeable prominent presence of UK-based charities. This, however, is changing, and non-British NGOs and new 'less traditional' actors (conservative groups among others) are more and more active.

Concerning the type of cases in which they intervene, the United Kingdom is the defendant State that sees their appearance most often, probably as a matter of its legal tradition and features of its civil society. This suggests that, in addition to the interest that the case might present for the NGOs, their geographical origins might also influence their choice to intervene. Finally, the most recent numbers show that the findings of violation by the Court in cases involving third-parties is not higher than for the general docket, on the contrary. At best, it suggests that the NGOs most often intervene in cases concerning highly controversial and disputed issues.

6. APPENDIX

6.1. CODING SCHEME AND RESULTS

1	Name of the case	
2	Application number	
3	Was the intervention made at a Chamber's level?	"no" = 0/"yes" = 1/"no judgment at this level (relinquishment)" = X
4	Was the intervention made at the Grand Chamber's level?	"no" = 0/"yes" = 1/"no judgment at the Grand Chamber's level" = X
5	Date of the judgment	Type in OR, if "pending" = P
6	Name of third intervener(s)	
7	Year of the intervention	
8	Is the intervention mentioned in the judgment?	"no" = 0/"yes" = 1/"pending" = P
9	Was the case declared admissible?	"no" = 0/"yes" = 1/"pending" = P
10	Does the judgment find at least one violation?	"no" = 0/"yes" = 1/"pending" = P/"case was struck out of the list" = S/"case had been declared inadmissible" = /

An Empirical Look at the Amicus Curiae Practice of Human Rights NGOs before the European Court of Human Rights

		App. No.	3	4	5	Name of intervener(s)	7	8	9	10
1	A. and others v UK	3455/05	X	1	19/02/2009	Justice	2008	1	1	1 and 0
2	A. and others v UK	3455/05	X	1	19/02/2009	Liberty	2008	1	1	1 and 0
3	A., B. and C. v IRELAND	25579/05	X	1	16/12/2010	Center for Reproductive Rights, International Reproductive and Sexual Health Law Programme (University of Toronto)	2008	1	1	1
4	A., B. and C. v IRELAND	25579/05	X	1	16/12/2010	European Centre for Law and Justice	2008	1	1	1
5	A., B. and C. v IRELAND	25579/05	X	1	16/12/2010	Pro Life Campaign	2009	1	1	1
6	A., B. and C. v IRELAND	25579/05	X	1	16/12/2010	Alliance Defense Fund, European Centre for Law and Justice, the Society for the Protection of the Unborn Children	2009	1	1	1
7	A. K. v LATVIA	33011/08	P	P	P	European Centre for Law and Justice	2012	P	P	P
8	ABU ZUBAYDAH v LITHUANIA	46455/11	P	P	P	Amnesty International, International Commission of Jurists	2013	P	P	P
9	AHMED AND OTHERS v UK	22954/93	1	X	2/09/1998	Liberty	1998	1	1	0
10	AKDIVAR AND OTHERS v TURKEY	21893/93	X	1	30/08/1996	Amnesty International	1996	1	1	1
11	AKSU v TURKEY	4149/04; 41029/04	1	1	15/03/2012	Greek Helsinki Monitor	2008	1	1	0
12	ALAJOS KISS v HUNGARY	38832/06	1	X	20/05/2010	Harvard Law School Project on Disability	2009	1	1	1
13	AL HUSIN v BOSNIA AND HERZEGOVINA	3727/08	1	X	7/02/2012	Human Rights Watch	2011	1	1	1
14	AL-JEDDA v UK	27021/08	0	1	7/07/2011	Liberty and Justice	2009	1	1	1
15	AL-KHAWAJA v UK	26766/05; 22228/06	0	1	15/12/2011	Justice	2010	1	1	1
16	AL NASHIRI v POLAND	28761/11	P	P	P	Amnesty International, International Commission of Jurists	2013	P	P	P
17	AL NASHIRI v ROMANIA	33234/12	P	P	P	Amnesty International, International Commission of Jurists	2013	P	P	P

			3	4	5	Name of intervener(s)	7	8	9	10
18	AL-SAADON & MUFEDI v UK	61498/08	1	X	2/03/2010	Bar Human Rights Committee of England and Wales, British Irish Rights Watch, European Human Rights Advocacy Centre, Human Rights Watch, International Commission of Jurists, International Federation for Human Rights, JUSTICE, Liberty, REDRESS	2009	1	1	1
19	AL-SKEINI & OTHERS v UK	55721/07	1	X	7/07/2011	Interights, Bar Human Rights Committee of England and Wales, European Human Rights Advocacy Centre, Human Rights Watch, International Federation for Human Rights, the Law Society, Liberty	2009	1	1	1
20	ASHINGDANE v UK	8225/78	1	X	28/05/1985	National Association for Mental Health	1984	1	1	0
21	ASSENOV v BULGARIA	24760/94	1	X	28/10/1998	Amnesty International	1998	1	1	1
22	ASSENOV v BULGARIA	24760/94	1	X	28/10/1998	European Roma Rights Center	1998	1	1	1
23	ASSOCIATION "LEAGUE OF SWISS MUSLIMS" AND OTHERS v SWITZERLAND AND OUARDIRI v SWITZERLAND	66274/09; 65840/09	1	X	28/06/2011	European Centre for Law and Justice	2010	1	0	/
24	ATANASIU and OTHERS v ROMANIA	30767/05	1	X	12/10/2010	Asociatia Proprietatea Privata (Romania)	2010	1	1	1
25	ATANASIU and OTHERS v ROMANIA	30767/05	1	X	12/10/2010	ResRo Interesvertretung Restitution in Rumänien (Germany)	2010	1	1	1
26	ATMACA v GERMANY	45293/06	1	X	6/03/2012	Centre for Advice on Individual Rights in Europe, Human Rights Watch	2011	1	S	S
27	B. S. v SPAIN	47159/08	1	X	24/07/2012	European Social Research Unit at the Research Group on Exclusion and Social Control at the University of Barcelona	2010	1	1	1
28	B. S. v SPAIN	47159/08	1	X	24/07/2012	Centre for Advice on Individual Rights in Europe, Columbia Law School Sexuality and Gender Law Clinic	2010	1	1	1

			3	4	5		Name of intervener(s)	7	8	9	10
29	AYDIN v TURKEY	23178/94	0	1	25/09/1997		Amnesty International	1996	1	1	1
30	BABAR AHMAD AND OTHERS v UK	2402/07; 11949/08; 36742/08	1	X	10/04/2012		American Civil Liberties Union, Yale Law School National Litigation Project, Interights, Reprieve	2010	1	1	0
31	BAYATYAN v ARMENIA	23459/03	0	1	7/07/2011		Amnesty International, Conscience and Peace Tax Conscience, Friends World Committee for Consultation (Quakers), International Commission of Jurists, War Resister's International	2010	1	1	1
32	BAYSAKOV AND OTHERS v UKRAINE	54131/08	1	X	18/02/2010		Interights	2009	1	1	1
33	BIJELIC v MONTENEGRO AND SERBIA	11890/05	1	X	28/04/2009		Human Rights Action	2008	1	1	1
34	BLEJIC v CROATIA	59532/00	0	1	8/03/2006		Interights	2005	1	0	/
35	BOSPHORUS v IRELAND	45036/98	X	1	30/06/2005		Institut de formation en droits de l'homme du barreau de Paris	2004	1	1	0
36	BOUMEDIENE AND OTHERS v BOSNIA AND HERZEGOVINA	38703/06 and others	1	0	18/11/2008		Center for Constitutional Rights	2007	1	0	/
37	BOUMEDIENE AND OTHERS v BOSNIA AND HERZEGOVINA	38703/06 and others	1	0	18/11/2008		Interights, International Commission of Jurists	2007	1	0	/
38	BRANNIGAN AND McBRIDE v UK	14553/89; 14554/89	1	0	26/05/1993		Amnesty International	1992	1	1	0
39	BRANNIGAN AND McBRIDE v UK	14553/89; 14554/89	1	0	26/05/1993		Liberty, Interights, Committee on the Administration of Justice	1992	1	1	0
40	BUBON v RUSSIA	63898/09	P	P	P		Helsinki Foundation for Human Rights	2010	P	P	P
41	BUBON v RUSSIA	63898/09	P	P	P		Open Society Justice Initiative	2010	P	P	P
42	BURES v CZECH REPUBLIC	37679/08	1	X	18/10/2012		Harvard Law School Project on Disability	2011	1	1	1
43	C.N. v UK	4239/08	1	X	13/11/2012		Centre for Advice on Individual Rights in Europe	2010	1	1	1
44	CARSON AND OTHERS v UK	42184/05	1	1	16/03/2010		Age Concern and Help the Aged	2008 and 2009	1	1	0

		App. No.	3	4	5	Name of intervener(s)	7	8	9	10
45	CASSAR v MALTA	36982/11	P	P	P	International Commission of Jurists, Interights, Transgender Europe	2012	P	P	P
46	CAZACLIU AND OTHERS v ROMANIA	63945/09	P	P	P	Interights	2013	P	P	P
47	CENTRE FOR LEGAL RESOURCES ON BEHALF OF V. CAMPEANU v ROMANIA	47848/08	P	P	P	Bulgarian Helsinki Committee	2011	P	P	P
48	CENTRE FOR LEGAL RESOURCES ON BEHALF OF V. CAMPEANU v ROMANIA	47848/08	P	P	P	Euroregional Center for Public Initiatives (Romania)	2011	P	P	P
49	CENTRE FOR LEGAL RESOURCES ON BEHALF OF V. CAMPEANU v ROMANIA	47848/08	P	P	P	Human Rights Watch	2011	P	P	P
50	CENTRE FOR LEGAL RESOURCES ON BEHALF OF V. CAMPEANU v ROMANIA	4982/07	P	P	P	Mental Disability Advocacy Centre	2011	P	P	P
51	CENTRO EUROPA 7 s.r.l.v ITALY	38433/09	1	1	7/06/2012	Open Society Justice Initiative	2010	1	1	1
52	CENTRUM FOR RATTVISA v SWEDEN	35252/08	1	X	P	International Commission of Jurists – Norway section	2009	P	P	P
53	CHAGOS ISLANDERS v UK	35622/04	1	X	11/12/2012	Human Rights Watch and Minority Rights Group	2009	1	0	/
54	CHAHAL v UK	22414/93	X	1	15/11/1996	Liberty, Centre for Advice on Individual Rights in Europe, Joint Council for the Welfare of Immigrants	1996	1	1	1
55	CHAHAL v UK	22414/93	X	1	15/11/1996	Amnesty International	1996	1	1	1
56	CHAHAL v UK	22414/93	1	1	15/11/1996	JUSTICE	1996	1	1	1
57	CHAPIN AND CHARPENTIER v FRANCE	40183/07	P	P	P	Centre for Advice on Individual Rights in Europe, International Commission of Jurists, European Region of the International Lesbian and Gay Association International Federation for Human Rights	2009	P	P	P

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NGOs before the European Court of Human Rights

				3	4	5	Name of intervener(s)	7	8	9	10
58	CHAPMAN v UK; COSTER v UK; JANE SMITH v UK, JOHN AND CATHERINE BEARD v; UK, LEE v UK	27238/95, 24876/94, 25154/94, 25289/94, 24882/94	X	1	18/01/2001		European Roma Rights Center	2000	1	1	0
59	CHRISTINE GOODWIN v UK and I. v UK	28957/95; 25680/94	X	1	11/07/2002		Liberty	2002	1	1	1
60	COSTA and PAVAN v ITALY	54270/10	1	X	28/08/2012		Associazione Luca Coscioni, Associazione Amica Cicogna onlus, Associazione Cerco Un Bimbo, Associazione L'Altra Cicogna Onlus	2011	1	1	1
61	COSTA and PAVAN v ITALY	54270/10	1	X	28/08/2012		European Centre for Law and Justice, Movimento per la vita Italia	2011	1	1	1
62	CSOSZANSZKI v SWEDEN and SZABO v SWEDEN	22318/02; 28578/03	1	X	27/06/2006		Centre for Advice on Individual Rights in Europe	2005	1	0	/
63	CZARNOWSKI v POLAND	28586/03	1	X	20/01/2009		Helsinki Foundation for Human Rights	2007	1	1	1
64	D. v IRELAND	26499/02	1	X	28/06/2006		Center for Reproductive Rights	2005	1	0	/
65	D. v IRELAND	26499/02	1	X	28/06/2006		Pro-Life Campaign	2005	1	0	/
66	D. v IRELAND	26499/02	1	X	28/06/2006		Society for the Protection of Unborn Children	2005	1	0	/
67	D.D. v LITHUANIA	13469/06	1	X	14/02/2012		Harvard Disability Center	2008	1	1	1
68	D. G. v POLAND	45705/07	1	X	12/02/2013		European Disability Forum; International Disability Alliance and Helsinki Foundation for Human Rights	2012	1	1	1
69	D.H. AND OTHERS v THE CZECH REPUBLIC	57325/00	1	1	13/11/2007		Interights, Human Rights Watch	2004	1	1	1
70	D.H. AND OTHERS v THE CZECH REPUBLIC	57325/00	0	1	13/11/2007		International Step by Step Association, Roma Education Fund, European Early Childhood Research Association, Minority Rights Group International, European Network against Racism, European Roma Information Office, International Federation for Human Rights	2004	1	1	1
71	D.J. v CROATIA	42418/10	1	X	24/07/2012		Interights	2011	1	1	1

	Name of the case	App. No.	3	4	5	Name of intervener(s)	7	8	9	10
72	DARESKIZB LTD v ARMENIA	61737/08	P	P	P	Media Legal Defence Initiative	2012	P	P	P
73	DEL RIO PRADA v SPAIN	42750/09	0	P	P	International Commission of Jurists	2013	P	P	P
74	DE SOUZA RIBEIRO v FRANCE	22689/07	0	1	13/12/2012	Groupe d'Information et de Soutien des Immigrés, La Ligue des droits de l'homme et du citoyen, le Comité Inter Mouvements Auprès des Evacués	2012	1	1	1
75	DJELANI SUFI and others v NETHERLANDS AND GREECE & AHMED ALI v NETHERLANDS AND GREECE	28631/09 & 26494/09	1	X	20/09/2011 & 24/01/2012	Amnesty International, Centre for Advice on Individual Rights in Europe	2010	1	S & 0	S & /
76	DJELANI SUFI and others v NETHERLANDS AND GREECE & AHMED ALI v NETHERLANDS AND GREECE	28631/09 & 26494/09	1	X	20/09/11 & 24/01/12	Greek Helsinki Monitor	2010	1	S & 0	S & /
77	DORDEVIC v CROATIA	41526/10	1	X	24/07/2012	European Disability Forum	2011	1	1	1
78	DYULDIN AND KISLOV v RUSSIA	25968/02	1	X	31/07/2007	Glasnost Defence Foundation	2005	1	1	1
79	DYULDIN AND KISLOV v RUSSIA	25968/02	1	X	31/07/2007	JURIX	2005	1	1	1
80	E.B. v FRANCE	43546/02	X	1	22/01/2008	International Federation for Human Rights, European Region of the International Lesbian and Gay Association, British Association for Adoption and Fostering, Association des Parents et futurs parents Gays et Lesbiens	2005	1	1	1
81	E.B. v UK	63019/10	P	P	P	Centre for Advice on Individual Rights in Europe, Fair Trials International	2011	P	P	P
82	E.S. v SWEDEN	5786/08	X	P	P	Human Rights Centre of Ghent University	2013	P	P	P
83	EL-HASKI v BELGIUM	649/08	1	X	25/09/2012	European Centre for Constitutional and Human Rights, REDRESS	2009	1	1	1
84	EL-MASRI v MACEDONIA	39630/09	1	1	13/12/2012	REDRESS	2011 & 2012	1	1	1

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		App. No.	3	4	5	Name of intervener(s)	7	8	9	10
85	EL-MASRI v MACEDONIA	39630/09	0	1	13/12/2012	Amnesty International, International Commission of Jurists	2011	1	1	1
86	EL-MASRI v MACEDONIA	39630/09	1	0	13/12/2012	Interights	2011	1	1	1
87	EREMIA and others v MOLDOVA	3564/11	1	X	28/05/2013	Equal Rights Trust	2011	1	1	1
88	EWEIDA and CHAPLIN v UK	48420/10; 59842/10	1	X	15/01/2013	Alliance Defense Fund	2011	1	1	1
89	EWEIDA and CHAPLIN v UK	48420/10; 59842/10	1	X	15/01/2013	Associazione "Giuseppe Dossetti: I Valori"	2011	1	1	1
90	EWEIDA and CHAPLIN v UK	48420/10; 59842/10	1	X	15/01/2013	Observatory on Intolerance and Discrimination Against Christians in Europe	2011	1	1	1
91	EWEIDA and CHAPLIN v UK and LADELA and MCFARLANE v uk	48420/10; 59842/10; 51671/10; 36516/10	1	X	15/01/2013	National Secular Society	2011	1	1	1
92	FERNANDEZ v SPAIN	56030/07	1	P	P	European Centre for Law and Justice	2010	P	P	P
93	FERNANDEZ v SPAIN	56030/07	0	P	P	Chair for Law and Religion of the Université Catholique de Louvain (Belgium) and the American Religious Freedom Program of the Ethics and Public Policy Center	2012	P	P	P
94	FILATENKO v RUSSIA	73219/01	1	X	6/12/2007	Lawyers for Constitutional Rights and Freedoms	2005	1	1	1
95	FINCI v BOSNIA AND HERZEGOVINA	34836/06	X	1	22/12/2009	Centre for Advice on Individual Rights in Europe	2008	1	1	1
96	FINCI v BOSNIA AND HERZEGOVINA	27996/06; 34836/06	X	1	22/12/2009	Open Society Justice Initiative	2007	1	1	1
97	FINOGENOV AND OTHERS V RUSSIA	18299/03; 27311/03	1	X	20/12/2011	Interights, International Commission of Jurists	2010	1	1	1
98	FRASIK v POLAND and JAREMOWICZ v POLAND	22933/02; 24023/03	1	X	5/01/2010	Helsinki Foundation for Human Rights	2007	1	1	1
99	FRETTE v FRANCE	36515/97	1	X	26/02/2002	International Lesbian and Gay Association	2000	0	1	1

		App. No.	3	4	5	Name of intervener(s)	7	8	9	10
100	GAFGEN v GERMANY	22978/05	0	1	1/06/2010	REDRESS	2009	1	1	1
101	GAJIC v GERMANY	31446/02	1	X	28/08/2007	Praxis	2007	1	0	/
102	GAS DUBOIS v FRANCE	25951/07	1	X	15/03/2012	International Federation for Human Rights, International Commission of Jurists, European Region of the International Lesbian and Gay Association, British Association for Adoption and Fostering, Network of European LGBT Families Associations	2009	1	1	0
103	GAUER and OTHERS v FRANCE	61521/08	1	X	23/10/2012	Center for Reproductive Rights, European Disability Forum, Interights, International Disability Alliance, Mental Disability Advocacy Center	2011	1	0	1
104	GBREMEDHIN [GABERAMADHIEN] v FRANCE	25389/05	1	X	26/04/2007	National Association for Assisting Aliens at Borders (France)	2005	1	1	1
105	GENDERDOC-M v MOLDOVA	9106/06	1	X	12/06/2012	International Commission of Jurists, European Region of the International Lesbian and Gay Association	2010	1	1	1
106	GERAGUYN KHORHURD PATGAMAVORAKAN AKUMB v ARMENIA	11721/04	1	X	14/04/2009	Open Society Justice Initiative	2006	1	0	/
107	GREGORY v UK	22299/93	1	X	25/02/1997	Rights International	1996	1	1	0
108	GROSS v SWITZERLAND	67810/10	P	P	P	Alliance Defense Fund	2012	P	P	P
109	GROSS v SWITZERLAND	67810/10	P	P	P	Americans United for Life	2012	P	P	P
110	GROSS v SWITZERLAND	67810/10	P	P	P	European Centre for Law and Justice	2012	P	P	P
111	GRZELAK v POLAND	7710/02	1	X	15/06/2010	Helsinki Foundation for Human Rights	2007	1	1	1
112	GUIISO-GALLISAY v ITALY	58858/00	0	1	22/12/2009	Unione forense per la tutela dei diritti dell'Uomo	2009	1	1	1
113	H.L.R. v FRANCE	24573/94	X	1	29/04/1997	Rights International	1996	1	1	0
114	HAAS v SWITZERLAND	31322/07	1	X	20/01/2011	Dignitas	2010	1	1	1
115	HALDIMANN and others v SWITZERLAND	21830/09	P	P	P	Media Legal Defence Initiative	2011	P	P	P
116	HALFORD v UK	20605/92	1	X	25/06/1997	Liberty	1997	1	1	1

		App. No.	3	4	5	Name of intervener(s)	7	8	9	10
132	JANOWIEC and others v RUSSIA	55508/07; 29520/09	0	P	P	Open Society Justice Initiative	2012	P	P	P
133	JANOWSKI v POLAND	25716/94	X	1	21/01/1999	Rights International	1998	0	1	0
134	JERSILD v DENMARK	15890/89	X	1	23/09/1994	Human Rights Watch	1994	1	1	1
135	JEZIOR v POLAND	31955/11	P	P	P	Article 19	2013	P	P	P
136	JOHN MURRAY v UK	18731/91	X	1	8/02/1996	Committee on the Administration of Justice, Liberty, British-Irish Rights Watch	1995	1	1	1
137	JOHN MURRAY v UK	18731/91	X	1	8/02/1996	Amnesty International	1995	1	1	1
138	JOHN MURRAY v UK	18731/91	X	1	8/02/1996	Justice	1995	1	1	1
139	JONES v UK and MITCHELL and others v UK	34356/06; 40528/06	P	P	P	Interights, the Redress Trust, Amnesty International, JUSTICE	2010	P	P	P
140	K.N. v FRANCE and others and others	47129/09	1	X	19/06/2012	Greek Helsinki Monitor	2010	1	S	S
141	K.U. v FINLAND	2872/02	1	X	2/12/2008	Helsinki Foundation for Human Rights	2007	1	1	1
142	KABOULOV v UKRAINE	41015/04	1	X	19/11/2009	Helsinki Foundation for Human Rights	2009	1	1	1
143	KAMYSHEV v UKRAINE	3990/06	1	X	20/05/2010	Helsinki Foundation for Human Rights	2007	1	1	1
144	KAMYSHEV v UKRAINE	3990/06	1	X	20/05/2010	International Federation for Human Rights	2007	1	1	1
145	KAOS-GL v TURKEY	4982/07	P	P	P	Article 19, Miller Institute for Global Challenge and the Law, Human Rights Watch	2009	P	P	P
146	KARNER v AUSTRIA	40016/98	1	X	24/07/2003	International Lesbian and Gay Association, Liberty, Stonewall	2002	1	1	1
147	KASABOVA v BULGARIA	22385/03	1	X	19/04/2011	Article 19, Open Society Initiative	2008	1	1	1
148	KAWOGO v UK	56921/09	P	P	P	Centre for Advice on Individual Rights in Europe, Kalayaan	2010	P	P	P
149	KAWOGO v UK	56921/09	P	P	P	Interights	2010	P	P	P
150	KHAN v UK	35394/97	1	X	12/05/2000	Justice, Liberty	1999	1	1	1
151	KINGSLEY v UK	35605/97	0	1	28/05/2002	Liberty	2001	1	1	1
152	KIYUTIN v RUSSIA	2700/10	1	X	10/03/2011	Interights	2010	1	1	1
153	KOCH v GERMANY	38082/04	1	X	8/01/2008	Alliance Defense Fund	2010	0	0	/

		App. No.	3	4	5	Name of intervener(s)	7	8	9	10
171	LEELA FORDERKREIS E. V. AND OTHERS v GERMANY	58911/00	1	X	6/11/2008	Helsinki Foundation for Human Rights	2007	1	1	1
172	LINGENS v AUSTRIA	9815/82	0	1	8/07/1986	International Press Institute, through Interights	1985	1	1	1
173	M.B. AND OTHERS v TURKEY and R. B. G. AND OTHERS v TURKEY	36009/08; 40270/08	1	X	15/06/10; 09/02/10	European Centre for Law and Justice	2009	1	1	1 and S
174	M.C. v BULGARIA	39272/98	1	X	4/12/2003	Interights	2003	1	1	1
175	M. E. v SWEDEN	71398/12	P	P		Fédération Internationale des Ligues des Droits de l'Homme, the International Commission of Jurists, European Region of the International Lesbian and Gay Association	P	P	P	P
176	M.N. and F.Z. v FRANCE and B216GREECE	59677/09; 1453/10	1	X	8/01/2013	Greek Helsinki Monitor	2010	1	S	S
177	M.W. v UK	11313/02	1	X	23/06/2009	Fédération Internationale des Ligues des Droits de l'Homme, the International Commission of Jurists, Centre for Advice on Individual Rights in Europe, European Region of the International Lesbian and Gay Association	2008	1	0	/
178	MAKARATZIS v GREECE	50385/99	X	1	20/12/2004	Institut de formation en droits de l'homme du barreau de Paris	2004	1	1	1
179	MAMATKULOV AND ASKAROV v TURKEY	46827/99; 46951/99	1	1	4/02/2005	International Commission of Jurists	2004	1	1	0
180	MAMATKULOV AND ASKAROV v TURKEY	46827/99; 46951/99	0	1	4/02/2005	Human Rights Watch, Centre for Advice on Individual Rights in Europe	2004	1	1	0
181	MATYJEK v POLAND	38184/03	1	X	24/04/2007	Helsinki Foundation for Human Rights	2006	1	1	1
182	McCANN AND OTHERS v UK	18984/91	X	1	27/09/1995	Amnesty International	1994	1	1	1
183	McCANN AND OTHERS v UK	18984/91	X	1	27/09/1995	Liberty, Committee on the Administration of Justice, Inquest, British-Irish Rights Watch	1994	1	1	1
184	McCAUGHEY and others v UK	43098/09	P	P		Committee on the Administration of Justice	2011	P	P	P

		App. No.	3	4	5	Name of intervener(s)	7	8	9	10
197	MUDRIC v MOLDOVA	74839/10	1	P	P	Equal Rights Trust	2011	P	P	P
198	MUJKANOVIC and 10 others v BOSNIA AND HERZEGOVINA	47063/08	P	P	P	REDRESS	2013	P	P	P
199	MUNOZ-DIAS v SPAIN	49151/07	1	X	8/12/2009	Union Romani	2008	1	1	1
200	N. v UK	26565/05	X	1	27/05/2008	Helsinki Foundation for Human Rights	2007	1	1	0
201	NACHOVA AND OTHERS v BULGARIA	43577/98; 43579/98	0	1	6/07/2005	Open Society Justice Initiative	2004	1	1	1
202	NACHOVA AND OTHERS v BULGARIA	43577/98; 43579/98	0	1	6/07/2005	Interights	2004	1	1	1
203	NACHOVA AND OTHERS v BULGARIA	43577/98; 43579/98	0	1	6/07/2005	European Roma Rights Centre	2004	1	1	1
204	NADA v SWITZERLAND	10593/08	X	1	12/09/2012	Justice	2010	1	1	1
205	NAHIDE OPUZ v TURKEY	33401/02	1	X	9/06/2009	Interights	2007	1	1	1
206	NAIT LIMAN v SWITZERLAND	51357/07	P	P	P	REDRESS, World Organisation Against Torture	2011	P	P	P
207	NIKOLAI IVANOVICH SOLDATENKO v UKRAINE	2440/07	1	X	23/10/2008	Helsinki Foundation for Human Rights	2007	1	1	1
208	NIKULA v FINLAND	31611/96	1	X	21/03/2002	Interights	2001	1	1	1
209	O'KEEFE v IRELAND	35810/09	P	P	P	European Centre for Law and Justice	2011	P	P	P
210	OUARDIRI v SWITZERLAND	65840/09	1	X	28/06/2011	Open Society Justice Initiative	2010	1	0	/
211	OMAR OTHMAN v TURKEY	8139/09	1	X	17/01/2012	Amnesty International, Human Rights Watch, Justice	2009	1	1	1
212	ORLOVSKAYA ISKRA GAZETA v RUSSIA	42911/08	P	P	P	Media Legal Defence Initiative, Mass Media Defence Centre	2011	P	P	P
213	ORSUS v CROATIA	15766/03	0	1	16/03/2010	Interights	2009	1	1	1
214	ORSUS v CROATIA	15766/03	0	1	16/03/2010	Greek Helsinki Monitor	2009	1	1	1
215	OTTO-PREMIINGER-INSTITUT v AUSTRIA	13470/87	1	X	20/09/1994	Article 19, Interights	1993	1	1	0
216	PAULIUKIEN AND PAULIUKAS v LITHUANIA	18310/06	P	P	P	Open Society Justice Initiative, the Media Legal Defence Initiative, the Romanian Helsinki Committee	2009	P	P	P

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		App. No.	3	4	5	Name of intervener(s)	7	8	9	10
217	PELLEGRINI v ITALY	30882/96	1	X	20/07/2001	Centre for Advice on Individual Rights in Europe	2000	1	1	1
218	PIKIELNY AND OTHERS v POLAND	3524/05	1	X	18/09/2012	Helsinki Foundation for Human Rights	2007	0	0	/
219	PRAGER AND OBERSCHLICK v AUSTRIA	15974/90	1	X	26/04/1995	Article 19, Interights	1994	1	1	0
220	PRETTY v UK	2346/02	1	X	29/04/2002	Voluntary Euthanasia Society	2002	1	1	0
221	R.R. v POLAND	27617/04	1	X	26/05/2011	International Reproductive and Sexual Health Law Programme (University of Toronto)	2007	1	1	1
222	RAMZY v THE NETHERLANDS	25424/05	1	X	20/07/2010	Centre for Advice on Individual Rights in Europe	2005	1	S	S
223	RAMZY v THE NETHERLANDS	25424/05	1	X	20/07/2010	Amnesty International, International Ltd., Association for the Prevention of Torture, Human Rights Watch, Interights, International Commission of Jurists, Redress, Open Society Justice Initiative	2005	1	S	S
224	RAMZY v THE NETHERLANDS	25424/05	1	X	20/07/2010	Justice, Liberty	2005	1	1	S
225	RANTSEV v CYPRUS AND RUSSIA	25965/04	1	X	7/01/2010	Centre for Advice on Individual Rights in Europe	2008	1	1	1
226	RANTSEV v CYPRUS AND RUSSIA	25965/04	1	X	7/01/2010	Interights	2008	1	1	1
227	REINPRECHT v AUSTRIA	67175/01	1	X	15/11/2005	Helsinki Foundation for Human Rights	2005	1	1	0
228	RIVET v FRANCE	19113/09	p	p	p	Groupe d'Information et de Soutien des Immigrés	2010	p	p	p
229	ROMANENKO AND OTHERS v RUSSIA	11751/03	1	X	8/10/2009	Open Society Justice Initiative, Moscow Media Law and Policy Institute	2005	1	1	1
230	S. AND MARPER v UK	30562/04; 30566/04	0	1	4/12/2008	Privacy International	2006	1	1	1
231	S. AND MARPER v UK	30562/04; 30566/04	0	1	4/12/2008	Liberty	2006	1	1	1
232	S. v THE NETHERLANDS	39828/03	1	X	16/12/2008	Legal Aid, Vluchtelingen Werk Nederland, NJCM, European Council on Refugees and Exiles, Human Rights Watch, Netherlands Bar Association	2005	0	S	S
233	S.A.S. v FRANCE	43835/11	p	p	p	Liberty	2012	p	p	p

	Name of the case	App. No.	3	4	5	Name of intervener(s)	7	8	9	10
234	S.A.S. v FRANCE	43835/11	P	P	P	Human Rights Centre of Ghent University	2012	P	P	P
235	S.A.S. v FRANCE	43835/11	P	P	P	Open Society Justice Initiative	2012	P	P	P
236	S.H. AND OTHERS v AUSTRIA	57813/00	0	1	3/11/2011	European Centre for Law and Justice	2011	1	1	1
237	S.H. AND OTHERS v AUSTRIA	57813/00	0	1	3/11/2011	Aktion Leben	2011	1	1	1
238	S.H. AND OTHERS v AUSTRIA	57813/00	0	1	3/11/2011	Hera ONLUS – SOS Infertilita (Italy)	2011	1	1	1
239	SAADI v UK	13229/03	X	1	29/01/2008	Centre for Advice on Individual Rights in Europe, European Council on Refugees and Exiles, Liberty Article 19	2007	1	1	1
240	SAMODUROV AND VASILOVSKAYA v RUSSIA	3007/06	P	P	P	Article 19	2010	P	P	P
241	SANOMA v THE NETHERLANDS	38224/03	0	1	14/09/2010	Open Society Justice Initiative, Committee to Protect Journalists, Media Legal Defence Initiative, ARTICLE 19, Guardian News and Media Limited	2009	1	1	1
242	SASU v ROMANIA and STANCIU v ROMANIA	15294/03; 35972/05	1	X	24/07/2012	Romanian Helsinki Committee	2011	1	1	1
243	SAUNDERS v UK	19187/91	X	1	17/12/1996	Liberty	1995	1	1	1
244	SCHALK and KOPF v AUSTRIA	30141/04	1	X	24/06/2010	International Federation for Human Rights, International Commission of Jurists, European Region of the International Lesbian and Gay Association, Centre for Advice on Individual Rights in Europe	2007	1	1	0
245	SELIM SADAK AND OTHERS v TURKEY (idem TOGUC v TURKEY)	25144/94 and others	1	X	11/06/2002	Interights	2000	1	1	1
246	SENATOR LINES GmbH v 15 EU MEMBER STATES	56672/00	X	1	10/03/2004	International Federation for Human Rights	2003	1	0	/
247	SENATOR LINES GmbH v 15 EU MEMBER STATES	56672/00	X	1	10/03/2004	International Commission of Jurists	2003	1	0	/
248	SERGEY ZOLOTUKHIN v RUSSIA	14939/03	0	1	10/02/2009	Institut de formation en droits de l'homme du barreau de Paris	2008	1	1	1

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			3	4	5		Name of intervener(s)	7	8	9	10
249	SHEFFIELD AND HORSHAM v UK	22985/93; 23390/94	X	1	30/07/1998		Liberty	1997	1	1	0
250	SINDICATUL PASTORUL CEL BUN. v ROMANIA	2330/09	1	1	9/07/2013		European Centre for Law and Justice	2010	1	1	0
251	SINDICATUL PASTORUL CEL BUN. v ROMANIA	2330/09	0	1	9/07/2013		The Becket Fund for Religious Liberty and the International Center for Law and Religion Studies	2012	1	1	0
252	SITARPOULOS AND GIAKOUMPOULOS v GREECE	42202/07	0	1	15/03/2012		Hellenic League for Human Rights	2011	1	1	0
253	SOERING v UNITED KINGDOM	14038/88	X	1	7/07/1989		Amnesty	1989	1	1	1
254	STAFFORD v UK	46295/99	0	1	28/05/2002		Justice	2001	1	1	1
255	STANEV v BULGARIA	36760/06	X	1	17/01/2012		Interights	2010	1	1	1
256	KEDZIOR v POLAND	45026/07	1	X	16/10/2012		Mental Disability Advocacy Center	2009	1	1	1
257	STAROSZCZYK v POLAND and SJALKOWSKA v POLAND	59519/00; 8932/05	1	X	22/03/2007		Helsinki Foundation for Human Rights	2006	1	1	1
258	SUNDAY TIMES v UK (No. 2) and OBSERVER and GUARDIAN NEWSPAPERS v UK	13166/87; 13585/88	X	1	26/11/1991		Article 19	1991	1	1	1
259	SUSO MUSA v MALTA	42337/12	P	P	P		International Commission of Jurists	2013	P	P	P
260	SYKORA v CZECH REPUBLIC	23419/07	1	X	22/11/2012		Harvard Law School Project on Disability	2011	1	1	1
261	TADDEUCI & MCCALL V ITALY	51362/09	P	P	P		International Commission of Jurists, European Region of the International Lesbian and Gay Association, Network of European LGBT Families Associations	2012	P	P	P
262	TAHSIN ACAR v TURKEY	26307/95	1	1	8/04/2004		Amnesty International	2002	0	1	1
263	TANASE AND OTHERS v ROMANIA	62954/00	1	X	26/05/2009		European Roma Rights Centre	2005	1	1	1
264	TARSASAG A SZABADSAGJOGOKERT v HUNGARY	37374/05	1	X	14/04/2009		Open Society Initiative, Financial Times Ltd, Access Info Europe	2008	0	1	1

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265	TEIXEIRA DE CASTRO v PORTUGAL	25829/94	1	X	9/06/1999	Justice	1998	1	1	1
266	TIMURTAS v TURKEY	23531/94	1	X	13/06/2000	Center for Justice and International Law	1999	1	1	1
267	TUREK v SLOVAKIA	57986/00	1	X	14/02/2006	Helsinki Foundation for Human Rights	2005	1	1	1
268	TYSIAC v POLAND	5410/03	1	X	20/03/2007	Polish Federation for Women and Family Planning, Polish Helsinki Foundation for Human Rights	2005	1	1	1
269	TYSIAC v POLAND	5410/03	1	X	20/03/2007	Center for Reproductive Rights	2005	1	1	1
270	TZAMALIS AND OTHERS v GREECE	5469/07	1	X	20/10/2009	Centre on Housing Rights and Evictions	2008	1	0	/
271	V. v UK and T. v UK	24888/94; 24724/94	X	1	16/12/1999	Justice	1999	0	1	1
272	V. F. v FRANCE and B.M. v FRANCE	7196/10; 7305/10	1/P	X/P	29/11/2011	Centre for Advice on Individual Rights in Europe, the Anti-Trafficking Legal Project	2011	0/P	0/P	/ P
273	VALLANATOS AND MYLONAS v GREECE; C.S. and others v GREECE	29381/09; 32684/09	P	P	P	International Federation for Human Rights, International Commission of Jurists, European Region of the International Lesbian and Gay Association, Centre for Advice on Individual Rights in Europe	2011	P	P	P
274	VARNAVA AND OTHERS v TURKEY	16064/90 and others	0	1	18/09/2009	REDRESS	2008	1	1	1
275	VEJELAND v SWEDEN	1813/07	1	X	9/02/2012	Interights and International Commission of Jurists	2010	1	1	0
276	VO v FRANCE	53924/00	X	1	8/07/2004	Center for Reproductive Rights	2003	1	1	0
277	VONA v HUNGARY	35943/10	P	P	P	European Roma Rights Centre	2012	P	P	P
278	VON HANNOVER v GERMANY & AXEL SPRINGER AG v GERMANY	40660/08; 60641/08; 39954/08	X	1	7/02/2012	Media Legal Defence Initiative, the International Press Institute, the World Association of Newspapers and News Publishers	2010	1	1	0 & 1
279	WILLIAM GOODWIN v UK	17488/90	0	1	27/03/1996	Article 19 and Interights	1995	1	1	1
280	WILSON, NATIONAL UNION OF JOURNALISTS v UK	30668/96; 30671/96; 30678/96	1	X	2/07/2002	Liberty and the Trade Union Congress	2001	1	1	1

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281	WINGROVE v UK	17419/90	1	0	25/11/1996	Rights International	1995	1	1	0
282	WINGROVE v UK	17419/90	1	0	22/10/1996	Article 19, Interights	1995	1	1	0
283	WOJTAS-KALETA v POLAND	20436/02	1	X	16/07/2009	Helsinki Foundation for Human Rights	2008	1	1	1
284	X. AND OTHERS v AUSTRIA	19010/07	X	1	19/02/2013	Prof. Robert Wintemute on behalf of International Federation for Human Rights, International Commission of Jurists, European Region of the International Lesbian and Gay Association, British Association for Adoption and Fostering, Network of European LGBT Families Associations, European Commission on Sexual Orientation Law	2012	1	1	1
285	X. AND OTHERS v AUSTRIA	19010/07	X	1	19/02/2013	European Centre for Law and Justice	2012	1	1	1
286	X. AND OTHERS v AUSTRIA	19010/07	X	1	19/02/2013	Amnesty International	2012	1	1	1
287	X. AND OTHERS v AUSTRIA	19010/07	X	1	19/02/2013	Alliance Defending Freedom	2012	1	1	1
288	X., Y. AND Z. v UK	21830/93	X	1	22/04/1997	Rights International	1996	1	1	0
289	YILDIRIM v TURKEY	3111/10	1	X	18/12/2012	Open Society Justice Initiative	2011	1	1	1
290	YUMAK AND SADAK v TURKEY	10226/03	0	1	8/07/2008	Minority Rights Group International	2007	1	1	0
291	YURJEVICH SEMIKHVOSTOV v RUSSIA	2689/12	P	P	P	European Disability Forum and International Disability Alliance	2013	P	P	P
292	Z. v POLAND	46132/08	1	X	13/11/2012	International Reproductive and Sexual Health Law Programme (University of Toronto), Amnesty International, Global Doctors for Choice	2009	1	1	0
293	ZARZYCKI v POLAND	15351/03	1	X	12/03/2013	Helsinki Foundation for Human Rights	2008	1	1	0
294	ZONTUL v GREECE	12294/07	1	X	17/01/2012	Center for Justice and Accountability	2010	1	1	1