

On cooperation of the Russian Federation with the European Court of Human Rights in the field of jurisdiction

At the turn of the 21st century the importance of international law as the key instrument of cooperation of participants of the world judicial community has considerably grown. Following the 1993 Constitution of the Russian Federation the generally recognized principles and rules of the international law and international treaties of the Russian Federation formed the constituent part of its legal system. Direct application for international protection of the rights and freedoms has become a common practice for the Russian citizens. The commitments assumed by Russia in connection with entering in the Council of Europe and acknowledgment of jurisdiction of the European Court of Human Rights necessitated bringing not only the Russian national laws but also the judicial practice in balance with the European Convention on Human Rights and Fundamental Freedoms. There arose the need for provision of vast information for the judges both on the contents of generally recognized principles and rules of the international law and practice of the European Court of Human Rights, which is based on the case law.

On February 28, 1996 Russia became a member of the Council of Europe and on May 5, 1998 it ratified the European Convention on Human Rights and Fundamental Freedoms (ECHR) with the result that this Convention took effect at the territory of the Russian Federation. This essential international law act, which is binding for all participant states of the Council of Europe, including the Russian Federation, is representative of their striving for joint ensuring of the basic rights and freedoms stated in Section 1 of ECHR and its supplementing Protocols. The Convention not only enunciates the fundamental human rights but has created a special mechanism of their protection as well. These days the said rights are protected by the unified and permanent European judicial body – the European Court of Human Rights (ECtHR). It is accommodated at the Palace of Human Rights in Strasbourg (France) where the Council of Europe is located.

The European Court is to provide strict observance and enforcement of the rules of the Convention on Human Rights by its participant states. It handles the allotted task by consideration and adjudication of the specific cases accepted for consideration on the basis of individual complaints lodged by a physical person, group of persons or nongovernmental organization.

Ratification of the European Convention on Human Rights by Russia permits all persons under its jurisdiction to apply to the European Court if they believe that their rights are abused and all internal means of their protection and, primarily, the judicial means of such protection have been exhausted. Legal judgment passed by the Court is obligatory for execution by the defendant state.

The RF Supreme Court contributes to publication of different ECtHR information materials and editions in the Russian language and their distribution in Russia. These materials serve for interpretation and application of the rules of the international laws on human rights and provision of the law supremacy.

The Russian citizens are well aware of the activities of the Council of Europe and European Court of Human Rights in the sphere of justice and many of them, protecting their human rights and basic freedoms, take advantage of the opportunities provided by ECtHR in Strasbourg. Inadequacies and omissions revealed in the course of consideration by the European Court and accepted by the Russian legislative bodies permitted adjustment of the Russian legislation in accordance with the law of the Russian Federation in an effort to develop the democracy, strengthen the supremacy of law and honor the human rights.

The RF Supreme Court maintains tight cooperation with the bodies of the Council of Europe, ECtHR in implementation of the judicial cooperation development programs with the intention of harmonizing the Russian judicial system with the world and European judicial standards.

Consultations and meeting are held on a regular basis to discuss the pressing problems of justice with the staff of the European Court of Human Rights. Judges of the Supreme Court of the Russian Federation are able to exchange opinion with the experts of departments and divisions of the Council of Europe. Consultations and discussions on the key issues of the national and international legislation are held in order to use the expertise and experience of the experts of the Council of Europe in the sphere of interpretation, development and practical application of the rules of international law on human rights and rapprochement of the Russian and European law. Judges of the Supreme Court participate in the all-European programs on elaboration of the rules of European legislation, speak at the international conferences and workshops, visit the European countries to study the European judicial practice and laws.

So, within these years of our collaboration the foundation has been laid for the long-term cooperation between the judicial system of the Russian Federation and European Court of Human Rights, which has been successfully developed up to the present day.

Year after year the main lines of the Russian judicial community basing on the RF Constitution and cooperation with the international organizations and countries are improved and extended. It is true for the supremacy of right, independence of the judicial system and, primarily, the judges, adversary system and equality, accessibility and openness of justice, efficient protection of human and citizens' rights and freedoms based on the democratic principles of organization and activities of the courts, abidance by the rules of international law, development of the electronic justice.

Judicial reforms, legal research, innovations and novations, legislation updating permitted attaining the adequate compatibility of the Russian laws and all-European and world rules and standards.

This irreversible process has been permanently expanding owing to many factors, including implementation of the specific plans of international-law cooperation and efficient activities of the Supreme Court of the Russian Federation and the European Court of Human Rights.