

## **Nuova fase non contenziosa 2019 per la Corte europea dei diritti dell'uomo**

La Corte europea dei diritti dell'uomo ha deciso di introdurre, nel 2019, una nuova pratica che comporta una fase non contenziosa. La Corte deciderà poi se continuare questa pratica al termine di un periodo di prova di un anno.

Di seguito il comunicato ECHR 437 (2018) 18.12.2018, ECHR is to test a new practice involving a dedicated non-contentious phase.

## ECHR is to test a new practice involving a dedicated non-contentious phase

The European Court of Human Rights has decided to introduce a new practice from 1 January 2019 involving a dedicated, non-contentious phase in respect of all Contracting States. The Court will decide whether to continue this practice at the end of a one-year test period.

The purpose of introducing such a phase is to facilitate friendly settlements.

There are essentially two aspects to this new practice. Firstly, the Court's Registry will usually make a friendly settlement proposal when respondent governments are given notice<sup>1</sup> of applications. Secondly, there will be two distinct phases in the procedure: a 12-week friendly settlement phase (non-contentious), and a further 12-week observations phase (contentious with an exchange of observations).

Currently these two procedures run in parallel; Governments are given 16 weeks to submit their observations on the admissibility and merits of a case. Within the first eight weeks of that period they are also required to inform the Court whether they are prepared to conclude a friendly settlement.

Under the new practice, the Registry will not make a proposal for friendly settlement in each and every case: there are exceptions, for example cases raising novel issues which have never been examined by the Court or cases where for any specific reason it may be inappropriate to propose a friendly settlement.

The Court will continue its current practice of publishing information on the subject-matter of the case on HUDOC when Governments are given notice of applications. The letters sent to the parties at this stage will be revised to explain the new practice.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.

<sup>1</sup> In accordance with Rule 54 of the Rules of Court, a Chamber of seven judges may decide to bring to the attention of a Convention State's Government that an application against that State is pending before the Court (the so-called "communications procedure").