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INTER-STATE APPLICATIONS AGAINST THE UNITED KINGDOM IN THE EUROPEAN REGIONAL HUMAN RIGHTS PROTECTION SYSTEM

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Abstract: *The subject of this article is the inter-state application operating within the European regional human rights protection system. The inter-state application is an important element of the monitoring mechanism created to ensure respect for the rights and freedoms set out in the European Convention on Human Rights and its Additional Protocols. This paper focuses on applications brought against the United Kingdom. This country, despite being one of the founders of the Council of Europe, is also the addressee of the largest number of inter-state applications right after the Russian Federation and Turkey. The article attempts to answer why this is the case.*

Key words: *European Convention on Human Rights; Council of Europe; Inter-State Application; United Kingdom*

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1. INTRODUCTION

The Convention for the Protection of Human Rights and Fundamental Freedoms, better known as the European Convention on Human Rights (**ECHR, the Convention**), was opened for signature in 1950 and is one of the crucial legislative acts for the protection of individual rights in Europe. The Convention, along with subsequent Additional Protocols, covers a number of rights and freedoms vested in the individual human being. These rights are safeguarded by a control mechanism, which relies mainly on an application system consisting of individual and inter-state applications.

Those entitled to bring an individual application include individuals, non-governmental organisations or groups of individuals (art. 34 ECHR). The right to bring an inter-state application is only vested in member states of the Council of Europe (**the Council, CoE**) which are also parties to the ECHR (art. 33 ECHR). Currently, following the exclusion of the Russian Federation from the organisation, 46 member states have the right to use this remedy.

In recent years, between 2 and 3 applications are lodged annually with the Strasbourg Court. Comparing this with the number of individual applications (40,000 to 50,000 cases per year), it can be seen that an application brought under Article 33 of the Convention constitutes a negligible percentage of cases heard by the European Court of Human Rights (**ECtHR, the Court**). However, the uniqueness of this remedy lies in the fact that it is to be brought by a State signatory to the ECHR against another Member State of the Council, which is also bound by that international agreement (Risini and Eicke, 2024).

When analysing the parties to proceedings in cases brought under Article 33 ECHR, it can be noted that the vast majority of them are brought as a result of an ongoing political or military conflict between the States parties to the Convention. Even a cursory

examination of the content of the applications filed after 2006 shows that the nature of that remedy has changed significantly. From Georgian applications to Ukrainian, Armenian and Azerbaijani cases, it is becoming apparent that the inter-state application, instead of ensuring the protection of rights and freedoms as defined in the ECHR and the Additional Protocols, serves as a foreign policy tool used by the states participating in the conflict.

The paper discusses the nature of the inter-state application and its use by States Parties to the Convention. The paper focuses on applications brought by Council member states against the United Kingdom.[1]

The paper is intended to examine the causes and effects of applications alleging violations by the United Kingdom and its authorities.

2. INTER-STATE APPLICATION

The inter-state application, alongside the individual application and the ECtHR, is a key element of the review mechanism which allows States parties to the Convention to report human rights violations that have occurred in other Member States. Pursuant to Article 33 ECHR, each of the High Contracting Parties may file an application with the Court if it considers that another High Contracting Party has infringed the provisions of the Convention or Protocols thereto. The provision does not specify the subject-matter of the application, but merely points to an infringement of the provisions of the Convention and Protocols. The substantive scope of an inter-state application is significantly broader than that of an individual application. These may also include, apart from the violations of human rights and fundamental freedoms set out in the Convention and the Protocols, allegations of failure to enforce final judgments of the Court (Machowicz and Tabaszewski, 2023). By December 2024, all applications brought by States parties to the ECHR concerned rights guaranteed by the Convention or its Protocols.

The formal requirements of an application as a pleading are set out in Rule 46 of the Rules of Court (Rules of Court of the European Court of Human Rights). Pursuant to the Rules, an inter-state application must contain the following elements:

- the name of the Contracting Party against which the application is made;
- a statement of the facts; a statement of the alleged violation(s) of the Convention;
- the relevant arguments;
- a statement on compliance with the admissibility criteria (exhaustion of domestic remedies and the time-limit) laid down in Article 35 § 1 of the Convention;
- the object of the application;
- a general indication of any claims for just satisfaction made under Article 41 of the Convention on behalf of the alleged injured party or parties;
- the name and address of the person or persons appointed as Agent;
- copies of any relevant documents.

By December 2024, a total of 47 inter-state applications were filed with the EComHR and the ECtHR[2] (Table 1). The ECtHR heard 38 cases in total. The difference between the number of applications filed and the number of cases results from the fact

[1] The United Kingdom should be understood as the United Kingdom of Great Britain and Northern Ireland.
[2] Before 1998, applications used to be filed with the European Commission of Human Rights. After that date, applications are brought directly to the European Court of Human Rights in accordance with Additional Protocol No. 11.

that certain cases have been joined for joint consideration. This was the case, for example, with applications against Greece. In the so-called first Greek Case, Denmark (3321/67), Sweden (3322/67), Norway (3323/67) and the Netherlands (3344/67) brought four separate cases against Greece. The same case was with the applications of Denmark, France, Norway, Sweden and the Netherlands against Turkey[3] and some of the applications of Georgia and Ukraine.

The decision of the Court and, previously, the European Commission on Human Rights (**EComHR, the Commission**) to join cases for joint adjudication is most often based on the content of the application itself. Cases that are based on the same facts where the defendant is a particular State, are examined jointly. Such a solution allows faster processing of the case, while reducing the costs of trial.

3. THE IMPORTANCE OF THE INTER-STATE APPLICATION IN THE RELATIONS OF THE MEMBER STATES OF THE COUNCIL OF EUROPE

The inter-state application is governed by Article 33 of the Convention. It plays an essential role in the system of human rights protection in Europe. The application enables CoE member states to cooperate and mutually monitor their adherence to human rights, thus fostering a culture of respect for these rights. Through this remedy, it is possible to exert pressure on countries that do not comply with their obligations under the ECHR and the Additional Protocols (Aznaurashvili, 2023).

Three circumstances can currently be distinguished in which an inter-state application can be filed. The first situation is the bringing of an application against a State which is accused of breaching the rights and freedoms set out in the Convention and the Additional Protocols in relation to persons under its jurisdiction. This model is closest to the individual application mechanism set out in Article 34 ECHR. An example can be the application *Austria v. Italy* filed in 1960.

The second situation is where the applicant state finds that the legislation or administrative practice of another Member State of the Council of Europe is contrary to the provisions of the Convention. In such a situation, the applicant State is required to demonstrate examples underlying the charges relied on in the application. An example of such a case is the application *Ireland v. the United Kingdom* brought in 1971 (Ploszka, 2011).

The third circumstance concerns the situation where the application contains questions about the compliance of legislation and administrative practice in a given State with the provisions of the ECHR. This mode of procedure does not require that the applicant present examples of infringement of rights and freedoms committed by the defendant State (Zimmermann, Ulfstein and Risini, 2021). An example of this type of application is the so-called "Second Greek Case" i.e. the application *Denmark, Norway, Sweden and the Netherlands v. Greece* filed in 1970.[4]

An inter-state application, regardless of the circumstances it concerns, must be filed in the public interest. The public interest means compliance with the Convention rules. I. Risini argues that the authors did not intend that the application serve as an additional remedy for the implementation of international policy by the States, even if they were in conflict with each other (Risini, 2015). Inter-state cases that have been brought in the last twenty years show that the purpose of that remedy is different from that

[3] Applications: 9940/82, 9941/82, 9942/82, 9943/82, 9944/82.

[4] See Denmark, Norway, Sweden, Netherlands v. Greece, Report of the Commission of 4 October 1976, Application no. 4448/70.

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pursued by the ECHR's authors. More and more, the purpose is the pursuit of particular interests of the applicant State.

The analysis of the cases brought by 2024 clearly shows that the vast majority among the applications filed are those that fall into the second group. By contrast, cases brought in the public interest constitute the clear minority.

In the past, it has been extremely rare for States parties to the Convention to choose to use the remedy available to them in the form of an application against another international-law entity (Table 1). There have been years, even decades, in the history of the Court and the ECHR when no single inter-state application was filed.[5] The increase in the use of the application began in 2007, stemming from the conflict, first political, then armed, between Russia and Georgia, both ECHR signatory States (Leach, 2021). Recent years have shown an increased interest in the inter-state application by CoE Member States. In this context, H. Küchler even refers to the "golden age" of this long-forgotten instrument for the protection of human rights (Küchler, 2020).

Year 2007 initiated a series of applications brought more as a means of international pressure on the States which knowingly committed numerous violations of conventional rights and in which governments took a totalitarian or at least authoritarian form. One may point here to e.g. Russia or Turkey. At the same time, it has become apparent that an inter-state application has begun to be seen as an additional means of pursuing international policy, partially losing its original character of a means for ensuring respect for the rights and freedoms enshrined in the Convention.

Table 1: List of inter-state applications filed with the EComHR and ECtHR

Item	Parties	File no.	Lodging date	Case status
1	Greece – United Kingdom	176/56	07.05.1956	Closed
2	Greece – United Kingdom	299/57	17.07.1957	Closed
3	Austria – Italy	788/60	11.07.1960	Closed
4	Denmark, Norway, Sweden, the Netherlands – Greece	3321/67, 3323/67, 3344/67	27.09.1967 25.03.1968	Closed
5	Denmark, Norway, Sweden, the Netherlands – Greece	4448/70	10.04.1970	Closed
6	Ireland – United Kingdom	5310/71	16.12.1971	Closed
7	Ireland – United Kingdom (II)	5451/72	06.03.1972	Closed
8	Cyprus – Turkey	6780/74	10.09.1974	Closed
9	Cyprus – Turkey (II)	6950/75	21.03.1975	Closed
10	Cyprus – Turkey (III)	8007/77	06.09.1977	Closed
11	Denmark, France, Norway, Sweden, the Netherlands – Turkey	from 9940/82 to 9944/82	01.07.1982	Closed
12	Cyprus – Turkey	25781/94	22.11.1994	Closed (ECtHR judgment)
13	Denmark – Turkey	34382/97	07.01.1997	Closed (ECtHR judgment)
14	Georgia – Russia	13255/07	26.03.2007	Closed (ECtHR judgment)
15	Georgia – Russia (II)	38263/08	12.08.2008	Closed (ECtHR judgment)
16	Georgia – Russia (III)	61186/09	03.12.2009	Closed (deleted from the list)

[5] 1961-1966; 1983-1993; 1998-2006.

Item	Parties	File no.	Lodging date	Case status
17	Ukraine – Russia	20958/14	13.03.2014	Pending
18	Ukraine – Russia	43800/14	13.06.2014	Pending
19	Ukraine – Russia (III)	49537/14	09.07.2014	Closed (deleted from the list)
20	Ukraine – Russia	8019/16	13.03.2014	Pending
21	Slovenia – Croatia	54155/16	15.09.2016	Closed (decision on the lack of ECtHR jurisdiction)
22	Ukraine – Russia	38334/18	11.08.2018	Pending
23	Georgia – Russia (IV)	39611/18	22.08.2018	Pending
24	Ukraine – Russia (VIII)	55855/18	29.11.2018	Pending
25	Latvia – Denmark	9717/20	19.02.2020	Closed (case deleted from the list)
26	Liechtenstein – Czech Republic	35738/20	19.08.2020	Pending
27	Armenia – Azerbaijan	42521/20	27.09.2020	Pending
28	Armenia – Turkey	43517/20	04.10.2020	Pending
29	Azerbaijan – Armenia	47319/20	27.10.2020	Pending
30	Ukraine – Russia (IX)	10691/21	19.02.2021	Pending
31	Armenia – Azerbaijan (II)	33412/21	29.06.2021	Pending
32	Russia – Ukraine	36958/21	22.07.2021	Pending
33	Armenia – Azerbaijan (III)	42445/21	24.08.2021	Pending
34	Armenia – Azerbaijan (IV)	15389/2022	24.03.2022	Pending
35	Azerbaijan – Armenia (II)	39912/22	18.08.2022	Pending
36	Ireland – United Kingdom (III)	1859/24	17.01.2024	Pending

Source: Author's own study[6]

Any member state of the CoE can be a defendant under an inter-state application. Of the 47 States Parties to the Convention[7] only 10 States have so far been defendants in inter-state cases. The remaining 37 States were not defendants under Article 33 ECHR.

The Russian Federation is the addressee of the largest number of applications. A total of 11 applications were filed against that country. In second place is Turkey with 7 applications. The United Kingdom closes the "winners podium" with 5 applications (Chart 1). These three countries were defendants in a total of 23 inter-state cases, accounting for half of all applications filed since the early 1950s.

Problems with compliance with Convention rights are not only a feature of countries where the idea of human rights is just being introduced or of countries having problems with democracy. Infringements of the ECHR are also committed by countries which have a long history of protecting fundamental rights, as well as by democratic states built on the rule of law and social justice. An example of such a democracy with a long history of protecting human rights and civil rights is the United Kingdom. It was one

[6] Based on ECtHR: Inter-State applications. Available at: https://www.echr.coe.int/inter-state-applications (accessed: 30.05.2024).

[7] A total of 47 states were parties to the European Convention on Human Rights at its peak (February 2022). Currently, following the exclusion of the Russian Federation from the Council of Europe, there are 46 signatory States.

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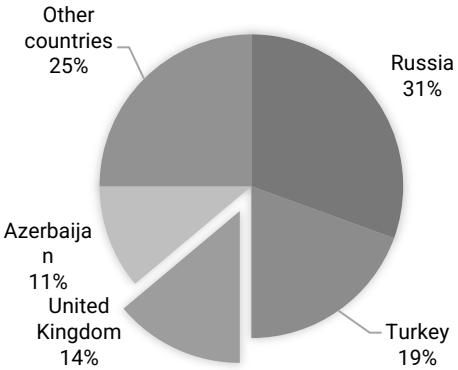
of the founders of the Council of Europe and also one of the first to ratify the ECHR. The UK, with its long history and strong position in the world of so-called Western democracy, also has a dark side, such as numerous violations of the Convention and Additional Protocols. Being one of the CoE founders in 1949, the United Kingdom was still a colonial state. By the turn of the 1950s, the position of the UK was becoming significantly weaker, and the colonial empire, over which the sun never set, was slowly falling apart. In these circumstances, the United Kingdom has become one of the pillars of the European regional system for the protection of human rights in its efforts to unite Europe and promote human rights.

Taking as a criterion the distinction between democratic and non-democratic states or those with democracy problems, it is the UK that is the addressee of the largest number of inter-state applications among members of the first group. This situation is due to several reasons.

The first important factor was that, at the time of the creation of the RE, the UK was a colonial state with numerous overseas possessions, with different legal statuses such as: dominions, colonies, protectorates, mandate territories and other dependent territories. As one of the founding states of the Council, the UK pursued an active foreign policy aimed at maintaining this colonial empire, which had been disintegrating since the 1920s. Conducting this kind of foreign policy often required the British authorities to make difficult and drastic radical decisions. The second factor was the unresolved question of Northern Ireland's legal status. This country was part of the United Kingdom of Great Britain and Northern Ireland in the 1940s and 1950s. At the same time, the Republic of Ireland, supported by a section of the population of Northern Ireland, claimed the right to this disputed territory.

In trying to retain its position as a superpower, the United Kingdom had to take appropriate political action on the one hand, and on the other it was bound by compliance with the ECHR and the Additional Protocols. This situation resulted in that the country often had to take political decisions with the risk of violating the Convention.

Chart 1: Structure of inter-state applications filed with the ECtHR, division by defendant States



Source: Author's own study[8]

[8] Based on ECtHR: Inter-State applications. Available at: https://www.echr.coe.int/inter-state-applications (accessed: 30.05.2024).

4. APPLICATIONS OF GREECE AGAINST THE UNITED KINGDOM

The first application against the United Kingdom was brought by Greece on 7 May 1956. The case registered as ref. no. 176/56 was the first inter-state application to reach the system of the Council of Europe and not directly the ECtHR. In its first application Greece alleged violations of arts. 3, 5, 6, 8, 9, 10, 11, and 15 of the ECHR.

It is worth noting that the Strasbourg Court was established only in 1959, three years after the first international case was brought. The first years of the Court are referred to in the literature as 'human rights diplomacy'. This period is often characterized as a time of 'state sovereignty hegemony'. Bates (2010) calls this period of the ECHR's functioning the time of the 'sleeping queen'. This situation was due to the fact that in the first years of its operation, there were just few complaints brought before the Court. In its first ten years of operation, the Court issued only 10 judgments in inter-state and individual cases.

The first Greek application against the United Kingdom concerned human rights violations in Cyprus, which was a British colony at the time. In the 1950s, Cyprus was an arena of conflict between the Greek majority striving toward reunification with Greece (the enosis movement) and the Turkish minority which opposed to these efforts. The United Kingdom, as the country in control of the island, was actively involved in the conflict. The application concerned alleged breaches of the Convention by the British colonial authorities in Cyprus. The EComHR declared the application admissible on 2 June 1956. The procedure initiated by the Greek application resulted in the adoption by the Committee of Ministers of the Council of Europe of a resolution that there were no grounds for further action. The resolution of the Committee of Ministers resulted from the political settlement of the issue of the independence of Cyprus.

In the Greek case, a margin of appreciation appeared for the first time in Strasbourg jurisprudence.[9] Currently, States Parties to the Convention frequently raise this principle in proceedings before the Court. Developed in the late 1950s, the margin of appreciation principle was introduced into the Preamble of the Convention by Additional Protocol No. 15.

The second application against the United Kingdom was brought by Greece on 17 July 1957. The case concerned alleged violations of the ECHR by the British colonial authorities in Cyprus. Greece's complaint concerned 49 cases of alleged torture and degrading and inhuman treatment of persons by police and military forces in Cyprus. The Greek government also drew attention to the obligation to obtain the Attorney General's consent to prosecute members of the administration or security forces. The legislation imposing the obligation to obtain the Attorney General's consent came into force after the trial of two British officers accused of ill-treating detainees during interrogations (Stavridi, 2021).

The action was declared admissible in respect of 29 cases and inadmissible on the ground of non-exhaustion of domestic remedies in the remaining 20 cases.[10]

On 12 October 1957, the application was declared admissible by the EComHR. The procedure initiated by the Greek application resulted in the adoption by the Committee of Ministers of the Council of Europe of a resolution that there were no

[9] European Commission of Human Rights, Greece v. United Kingdom, No. 176/56, Decision (26 September 1958).
[10] European Commission of Human Rights, Greece v. United Kingdom (II), No. 299/57, Decision (12 October 1957).

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grounds for further action. The resolution of the Committee of Ministers resulted from the political settlement of the issue of the independence of Cyprus.

5. APPLICATIONS OF IRELAND AGAINST THE UNITED KINGDOM

The first application of Ireland against the United Kingdom[11] before the ECtHR was brought on 16 December 1971. The applicant alleged that the United Kingdom had used torture during the Northern Ireland crisis between 1969 and 1975. The pleading contained allegations of violation of Article 3 of the Convention (torture and inhuman treatment) against detainees in Northern Ireland. In addition, the Irish Government accused the British party of infringing Article 5 (right to liberty and security) in conjunction with Articles 14 and 15 and Article 6 (right to a fair trial). The Irish side accused the United Kingdom of using five interrogation techniques that were of a torture nature. These techniques included:

- Forcing a stress position ("wall-standing");
- Restricted access to sleep;
- Restricted access to food and water;
- The use of noise as a form of mental pressure;
- Placing a bag over the detainee's head and keeping it at all times, except for interrogations (Dembour, 2023).

The Irish Government held that people detained in Northern Ireland by the British authorities had been subjected to inhuman treatment. As an example, the applicant referred to physical and psychological abuse, as well as to the use of many other forms of violence.

The UK argued, inter alia, that the security measures used by British law enforcement agencies, including interrogation techniques, were necessary to prevent further terrorist attacks and to protect the civilian population. The UK argued that the interrogation techniques used were not torture but rather questioning methods designed to obtain necessary information from suspects. The defendant State also argued that the measures it had used were not only in accordance with the applicable law but were also necessary in an emergency situation.

In January 1976, following the proceedings, the EComHR prepared a report, which was then forwarded to the Committee of Ministers of the Council of Europe. The EComHR found that the investigative techniques used by the UK authorities on detainees met the definition of torture. In March 1976, the Irish Republic, exercising its powers, brought the case before the ECtHR.

In its judgment of 18 January 1978, the Court stated that the interrogation techniques used by the authorities of the defendant State constituted inhuman and degrading treatment, i.e. an offence prohibited under Article 3) of the Convention, alleged in the application. At the same time, the ECtHR considered that the UK's interrogation methods were not torture within the meaning of Article 3 ECHR. The Court found that, at the time indicated in the application, there had been a state of public emergency in Northern Ireland threatening the life of the nation within the meaning of Article 15 (1) of the Convention, alleged in the application. That situation meant that there was no infringement of Article 5 in conjunction with Articles 14 and 15. Nor did the Strasbourg Court find the infringement of Article 6 of the Convention, alleged in the application.[12]

[11] ECtHR, Ireland v. United Kingdom, app. no. 5310/71, 18 January 1978.
[12] *Ibid*.

Based on the first Irish case, the Court formulated a definition of torture. The definition of "torture" by the Strasbourg Court was widely criticised. According to some legal scholars and practitioners, the ECtHR defined "torture" too narrowly (Bonner, 1978). For example, Article 1 of Resolution 3452 (XXX) of the United Nations General Assembly on torture provides that *"(1) (…) torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtaining from him or a third person information or confession, punishing him for an act he has committed or is suspected of having committed, or intimidating him or other persons (...) (2) (…)Torture constitutes an aggravated and deliberate form of cruel, in human or degrading treatment and punishment."*[13]

Currently, the concept of torture developed by the ECtHR based on the Irish cases is widely used in the Georgian and Ukrainian cases. The ECtHR's resolution of the first Irish complaint against the United Kingdom has also been used by the US government for counter-terrorism purposes. The definition of torture developed by the ECtHR on the basis of the Irish complaint was used to narrow the concept of torture from that contained in Article 1 of the Convention against Torture.[14]

On 4 December 2014, the Irish government requested a review of the judgment, providing as the reason for the review the existence of documents that could have a decisive influence on the Court's judgment. Following the review/appeal proceedings, the Strasbourg Court found that the government of Ireland had failed to prove the existence of facts which were unknown to the Court at the time or which could have had a decisive influence on the 1978 judgment.

Ireland brought a second application against the United Kingdom on 6 March 1972. The case contained allegations of human rights violations by British security forces in Northern Ireland in the 1970s. Ireland accused the United Kingdom of using illegal methods of interrogation, torture and inhuman and degrading treatment of detainees. This case was Ireland's second application against the United Kingdom concerning events during the Northern Irish conflict in the late 1960s and early 1970s.

Ireland's second application contained allegations of infringement of Article 1 (obligation to respect human rights), Article 2 (right to life), and Article 3 (prohibition of torture), Article 5 (right to liberty and security), Article 6 (right to a fair trial), Article 14 (prohibition of discrimination) and Article 15 (derogation in time of emergency). On 1 October 1972, the EComHR declared the application partly admissible and partly inadmissible.

Both applications brought by Ireland had a significant impact on the political relationship between the applicant and the defendant. Both the first and second Irish applications revealed serious human rights violations in Northern Ireland, which, moreover, remains part of the United Kingdom to this day. This has exacerbated the already tense relationship between Ireland and the UK. The finding by the Court in Strasbourg that the questioning techniques used by the British services were inhuman has affected the perception of British action in Northern Ireland on the international stage. The judgment of the Court forced the United Kingdom to make substantial changes to questioning methods and the policy for Northern Ireland and the population living in the

[13] Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment - General Assembly Resolution 3452 (XXX) of 9 December 1975.
[14] Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by General Assembly resolution 39/46 of 10 December 1984.

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disputed area. The Strasbourg Court's ruling has become a reference for further human rights reforms not only in the UK but also in Europe.

The case in question has led to a greater Irish cooperation with international organisations regarding the protection of human rights, as well as increased pressure on the UK to respect these rights.

The ECtHR ruling also had a long-term impact on the Northern Ireland peace process that began in the 1990s. Changes in the perception of violations of human rights and freedoms were a key element in building trust between the parties to the conflict. The Irish application also had a significant impact on the development of human rights in Europe, which in turn had important implications for future judicial cases.

On 17 January 2024, a third Ireland's application against the United Kingdom was filed with the Strasbourg Court. The case concerns the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 which was signed on 18 September 2023. The purpose of the Act is to address the legacy of the conflicts in Northern Ireland, which took place intermittently from the late 1960s to 1998.

The applicant argues that the provisions of the Act are contrary to the ECHR. Ireland points to violations of Article 2 (right to life), Article 3 (prohibition of torture and inhuman or degrading treatment), Article 6 (right to a fair trial), Article 13 (right to an effective remedy) and Article 14 (prohibition of discrimination) of the Convention.

The Irish Government holds that Articles 19, 39, 40 and 41 of the Act guarantee immunity from prosecution for offences committed during the conflict in Northern Ireland, provided that certain conditions are met, which is contrary to Articles 2 and 3 of the Convention. The Irish side claims that parts 2 and 3 of the Act replace the current mechanisms of information recovery regarding offences related to the Northern Ireland conflict with the review carried out by the newly established Independent Commission for Reconciliation and Information Recovery. This situation, in the opinion of the applicant State, is not compliant with Article 2, Article 3 and Article 13 ECHR. In its application, the Irish side points out that Article 43 of the Act prevents the opening of new and continuation of pending civil proceedings related to the conflict in Northern Ireland. The situation, in the applicant's view, is contrary to Article 6 (right to a fair trial) considered both separately and in conjunction with Article 14 (prohibition of discrimination) of the Convention.

In accordance with the rules of procedure of the Strasbourg Court, once Ireland filed its application, the Court's Registry notified the defendant State. The Vice-President of the ECtHR assigned the application to Chamber I. The case is currently under examination for admissibility.

6. CONCLUSION

The applications brought against the United Kingdom and the decisions made on their basis have significantly enriched the case-law of the ECtHR. The best example is the judgment delivered by the Court in the case initiated under Ireland's first application. As part of the case, the Strasbourg Court created and introduced a definition of torture. The concept of torture was later widely used in the cases of Georgia and Ukraine brought against the Russian Federation.

It is also worth noting that the Greek applications against the United Kingdom were the first to be filed with the Strasbourg system. With the two cases initiated by the Greek government, mechanisms (procedural frameworks) were created to ensure compliance with the Convention.

The applications brought against the United Kingdom clearly showed that it is not only the former "Eastern Bloc" countries but also the founding states with democratic traditions that have a problem with compliance with the ECHR.

The inter-state application is an important element of the European system of human rights protection, enabling member states to monitor and enforce the adherence to rights under the ECHR. This mechanism allows not only the resolution of disputes between the Member States of the Council of Europe, but also the promotion of human rights protection standards throughout Europe. The growing interest of CoE member states in the use of inter-state applications means the increasing number of such applications entering the Strasbourg Court. On the other hand, the manner of use of inter-state applications by some CoE member states provokes certain concerns.

The last twenty years have shown more and more that the purpose of resorting to this remedy is changing. The inter-state application, instead of protecting human rights, is turning into a tool for waging international disputes. Political and military conflicts of the past two decades have shown that some countries use the application as an additional instrument of pressure in international relations. It is evident in the applications filed by Ukraine, Russia, Azerbaijan, Armenia, Georgia and Turkey. Applications involving these countries constitute the vast majority.

Is the inter-state application under the ECHR and the CoE necessary? In my opinion, it definitely is. Consideration should be given to introducing changes to the inter-state application that would allow it to retain its nature. One should also consider whether the CoE accession procedure needs reform.

In the context of a growing number of human rights violations around the world, it can be assumed that the importance of this remedy will grow and its effectiveness will be crucial for the future of the European human rights protection architecture.

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