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## FOREWORD

The system of the European Convention on Human Rights is anchored in the notion of subsidiarity. It has always been intended to be subsidiary and co-operative rather than centralised and unilateralist. The primary level of human rights protection in Europe is the domestic one. Only where the first level of protection has failed to operate effectively and proportionately does the European supervision by the European Court of Human Rights come into play. The Court's judgments are binding upon the States which are parties to the cases concerned (Art. 46 of the Convention). To be sure, as is the case, *mutatis mutandis*, with the judgments of most other international or national supreme courts, the judgments of the Strasbourg Court are considered to have not just a 'deciding authority' in the cases 'ad-judicated', but also a kind of value of precedent or 'interpretative' or 'guiding authority' in other similar cases. To follow precedent is indeed, as the European Court of Human Rights put it in the *Cossey* case, 'in the interests of legal certainty' and the orderly development of the Convention case-law (A/184 § 35).

In this Convention system, it is of the utmost importance that the domestic courts be familiar with the Strasbourg jurisprudence. They must apply this jurisprudence in a way which is meaningful in the context of their domestic legal system, must adapt it to the local needs, must harmonise their case-law with that of Strasbourg and must help the European Court of Human Rights in striving for the same values. They can be assured that the Strasbourg Court will be all the more receptive to their arguments if they are buttressed by reference to the European jurisprudence.

In this context I warmly welcome this collection of essential and leading cases of the Strasbourg Court compiled by my former colleague and friend from the Slovak Republic, Ján Šikuta, and by Eva Hubáľková, an experienced and knowledgeable member of the Court's Registry. Their work will not only allow the courts, practitioners and students in all the Member States of the Convention to have easy and convenient access to the emerging and evolving European human rights standards, but it will also be an indispensable resource for anyone interested in human rights worldwide.

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