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FRIENDLY SETTLEMENTS
BEFORE THE ECtHR

FRIENDLY SETTLEMENTS
BEFORE THE
EUROPEAN COURT OF
HUMAN RIGHTS
Theory and Practice

HELEN KELLER
MAGDALENA FOROWICZ
AND
LORENZ ENGI

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The friendly settlement procedure is an important tool for the reduction of the case load of the European Court (ECtHR). Recent practice demonstrates that applicants and Contracting States have increasingly resorted to this procedure. This book evaluates this largely unexplored instrument from doctrinal as well as practical perspectives, making recommendations to render the negotiations before the ECtHR more efficient and professional.

The book examines questions relating to the admissibility as well as to the practical manageability of friendly settlements. In contrast to ordinary civil proceedings, the friendly settlements procedure has a mixed legal character: while settlements are an *inter-partes* procedure, they are also binding under international law, as the ECtHR often hands them down in the form of a judgment. In this context, the question arises as to how far the proceedings can be 'privatized' and where the limits to the monetization of human rights violation lie. The authors evaluate possible abuses and identify the precautions that need to be taken in the framework of a friendly settlement. This issue is linked to the question of whether the legal framework which governs the conclusion of a friendly settlement should be formulated in a more concrete manner, given that the position of the parties is unequal and that the role of the Court is not clearly defined in this context. Furthermore, the book empirically examines whether the friendly settlement procedure is as advantageous in comparison to ordinary proceedings as others have argued. It also questions whether the friendly settlements procedure can provide the applicant with 'more money faster'.

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