

Pilot-Judgment and ECHR conception

Individual Rights Instrument	Constitutional/Systemic Instrument
The ECHR exists to vindicate <i>this person's</i> rights	The ECHR exists to maintain a rights-compliant <i>legal order</i> across Europe
Article 34 is a personal, enforceable entitlement	Article 34 is one mechanism among many for achieving systemic compliance
The Court must decide each case on its merits	The Court must manage its docket to remain functional
Domestic remedies are a prerequisite, not a substitute	Domestic remedies can replace Strasbourg review once structurally adequate