



NATIONAL INSTITUTE OF JUSTICE

Project "Increasing the capacity of the judiciary and training on the European Convention for the Protection of Human Rights and Fundamental Freedoms at the National Institute of Justice"

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The European Court of Human Rights

The life of an application

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Court Structure

- Registry: 47 member countries, composed of five Sections with its own Registrar and Deputy Registrar
- Each Section is further divided into Divisions: Division 4.5 comprises Poland, Bulgaria, Latvia, Iceland, Albania, Finland, Cyprus, Malta, UK, Bosnia & Herzegovina
- Lawyers plus administrative staff



Rule 47

- key provisions

- 1. An application under Article 34 of the Convention shall be made on the application form provided by the Registry, unless the Court decides otherwise. It shall contain all of the information requested in the relevant parts of the application form and set out
 - (a) the name, date of birth, nationality and address of the applicant and, where the applicant is a legal person, the full name, date of incorporation or registration, the official registration number (if any) and the official address;
 - (b) the name, occupation, address, telephone and fax numbers and e-mail address of the representative, if any;
 - (c) the name of the Contracting Party or Parties against which the application is made;
 - (d) a concise and legible statement of the facts;
 - (e) a concise and legible statement of the alleged violation(s) of the Convention and the relevant arguments; and
 - (f) a concise and legible statement confirming the applicant's compliance with the admissibility criteria laid down in Article 35 § 1 of the Convention.

- 3.1 The application form shall be signed by the applicant or the applicant's representative and shall be accompanied by
 - (a) copies of documents relating to the decisions or measures complained of, judicial or otherwise;
 - (b) copies of documents and decisions showing that the applicant has complied with the exhaustion of domestic remedies requirement and the time-limit contained in Article 35 § 1 of the Convention;
 - (c) where appropriate, copies of documents relating to any other procedure of international investigation or settlement;
 - (d) where represented, the original of the power of attorney or form of authority signed by the applicant.
- 5.1 Failure to comply with the requirements set out in paragraphs 1 to 3 of this Rule will result in the application not being examined by the Court, unless
 - (a) the applicant has provided an adequate explanation for the failure to comply;
 - (b) the application concerns a request for an interim measure;
 - (c) the Court otherwise directs of its own motion or at the request of an applicant.
- 5.2. The Court may in any case request an applicant to provide information or documents in any form or manner which may be appropriate within a fixed time-limit.
- 6. (a) The date of introduction of the application for the purposes of Article 35 § 1 of the Convention shall be the date on which an application form satisfying the requirements of this Rule is sent to the Court. The date of dispatch shall be the date of the postmark.
- (b) Where it finds it justified, the Court may nevertheless decide that a different date shall be considered to be the date of introduction.

Disposal under Rule 47

- If the application is disposed of under Rule 47 the applicant will be advised of the reasons and of the procedures for submitting a valid application. For example:
 - The application form did not contain a statement of facts or of the alleged violations
 - The form was not signed
 - The applicant had failed to indicate the respondent State
 - That certain domestic decisions were not provided
- No file is retained by the Court
- An applicant can submit a new application

Inadmissibility criteria

- Article 35

- Anonymous applications (Art 35 § 2 (a))
- Incompatibility (Art 35 § 3)
 - *Ratione personae*
 - *Ratione loci*
 - *Ratione temporis*
 - *Ratione materiae*
- Non-exhaustion of domestic remedies (Art 35 § 1)
- Six month's rule (Art 35 § 1)
- Manifestly ill-founded (Art 35)

- Abuse of the right of application (Art 35 § 3)
- Substantially the same as a matter previously examined by the Court (Art 35 § 2 (b))
- Has been submitted to another international body (Art 35 § 2 (b))

Plus since Protocol 14

- No significant disadvantage
 - *Korolev* – Less than €1
 - *Vaslichenko* - €12
 - *Rinck* - €150

Allocation to a Committee

- 3 judges
- “WECL” cases



Allocation to a Chamber

- 7 judges
- Communication of application to Government
 - Submissions of observations
 - Third party interveners require leave under Article 36
 - Friendly settlement
- Consideration of admissibility and merits
- Majority vote
- Judgements become final three months after delivery



Grand Chamber

- Within the three months following the delivery of a Chamber judgement, either party can request referral to the Grand Chamber
- The Chamber, under Article 30, can relinquish a case to the Grand Chamber, for example:
 - (a) Cases affecting case-law consistency
 - (b) Cases which may be suitable for development of the case-law
 - (c) “High-profile” cases



Execution of Judgments

Article 46

- Committee of Ministers
 - Direction for specific measures to be taken
 - Extensive negotiations to determine how to implement judgment
- What happens in the event of non-compliance?
- Article 8 of the Statute of the Council of Europe



Statistics of the Court

- Rapid increase in the number of applications in line with the increase in Member States (10 in 1953; 22 in 1990; 47 today)
- 1998 right of individual petition became compulsory
- Applications not dispersed evenly between countries

2013

- 65,900 applications were allocated to a judicial formation
- 13,600 applications were disposed of administratively
- 93,396 applications were declared inadmissible or struck out
- 7,931 applications were communicated to the respondent government
- Judgements were delivered in respect of 3,659 applications
- On 31 December 2013 there were 99,000 applications pending before a judicial body (down from 128,100 in 2012) cases. More than half of these were against Russian Federation, Italy, Ukraine and Serbia. A further 21,950 applications were at a pre-judicial stage.

Bulgaria Statistics

- 2,577 applications concerning Bulgaria were dealt with in 2013
- 2,551 were declared inadmissible or struck out
- 26 judgements were delivered: 25 of which found at least one violation of the Convention

As of 20 January 2014

- 2,242 applications pending before a judicial formation
 - 1, 520 Single Judge; 122 Committee (3 judges); and 600 Chamber

Rule 39

- Interim Measures



