

Y

O

U

R

application

to
the

E

C

H

R



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Your application to the ECHR:

How to apply and how
your application
is processed

This document has been prepared by the Court's Public Relations Unit. The document does not bind the Court. It is intended to provide basic general information about the way the Court works.

For more detailed information, reference is made to documents issued by the Registry (available on the Court's website: www.echr.coe.int) and in particular to the Rules of Court.

The great majority of applications lodged with the Court are declared inadmissible, which means that the Court dismisses them without even examining the merits of the case because the application does not meet all the admissibility criteria. Decisions declaring applications inadmissible are final and cannot be challenged.

So if you do not want the Court to reject your application, it is important that you satisfy all the admissibility criteria. Before lodging your application, please consult the Court's internet site, particularly the Admissibility Guide, and fill in the checklist to make sure your application has a chance of getting past the admissibility stage.

YOU WANT TO LODGE AN APPLICATION WITH THE COURT

The application form is available on the Court's Internet site. Download it and fill in every part of the form, without exception, and send it to the Court, together with copies of all the relevant documents – **not** the originals, as they will not be returned to you at the end of the proceedings. Do not contact the Court for a paper copy of the form; printing it yourself will save time and make sure your application reaches the Court in good time (consult the Practice Direction on the institution of proceedings and the notice explaining how to fill in the application form, available on the Court's Internet site).

If your application is incomplete there is a risk that the Court will not examine it, so it is essential that you meticulously fill in every part of the application form. If a single part of the form has not been properly filled in, or information is missing or you have failed to include copies of the requisite documents, the Court may refuse to register your application without examining it.

You can apply to the Court in one of the two official languages of the Council of Europe – French and English – or in an official language of any Council of Europe member State.

You are not obliged to be represented by a lawyer at the start of the procedure. However, if you decide to use the services of a lawyer, you must send the Court a duly signed document authorising your lawyer to represent you before the Court.

When you have completed every part of the application form, send it to the following address together with copies of the relevant documents:

The Registrar
European Court of Human Rights
Council of Europe
F-67075 Strasbourg cedex

It is preferable that you send your application by registered letter. You must send it within the time-limit specified in the Convention. The date the Court takes into account is the date of the postmark on the application you send. **Please note that applications can only be sent by post.**

In any event, you are strongly advised to send in your application **as soon as possible** after the proceedings at the national level have been settled by a final judicial decision.

YOU HAVE NOW POSTED YOUR APPLICATION TO THE COURT

Your application will arrive at the Court's Central Office, which receives about 1,500 letters every day. Because it receives so many letters, the Court cannot acknowledge receipt of your application immediately.

Do not call the Court to check whether your application arrived safely. The Court will contact you if it needs any more information.

The Central Office sorts the mail and sends your application to the legal division whose job it is to deal with it, that is, the legal division responsible for the State against which the application is lodged. An application against Germany, for example, will be sent to the legal division that deals with German cases, because the people working in that division speak German and are familiar with the country's legislation.

Your case will then be given a number and examined by a lawyer. This does not necessarily mean that the Court has accepted your application; it just means that it has been registered. **If the Court contacts you, you must reply within the specified time, otherwise your file may simply be rejected or destroyed.**

Once the Court has all the information it needs to examine your case, your application will be allocated to one of the Court's judicial formations.

Throughout the proceedings, even if they seem to be taking a long time, you must wait for the Court to contact you. Because of the large number of applications it receives every year (over 50,000) and the even larger number of cases pending before it, the Court cannot acknowledge receipt of the letters and documents it receives or tell you approximately when your case will be examined.

The proceedings before the Court are in writing. Any information you wish to bring to the Court's attention must be communicated in writing.

THE EXAMINATION OF YOUR APPLICATION

1. JUDICIAL FORMATIONS

Once the Court is in possession of all the information it needs to examine your case, your application will be allocated to one of the Court's judicial formations, depending on the type of case: a single judge, a Committee or a Chamber.

- ➔ If your application is clearly inadmissible because it does not meet all the required admissibility criteria, it will be dealt with by a **single judge**. The inadmissibility decision given by that judge is final and it will be communicated to you. **It is not possible to challenge the inadmissibility decision or request any further information about it. The Court will close the case and the file will be destroyed at a later date.**
- ➔ If your case is considered to be a repetitive case, which raises an issue on which the Court has already ruled in a number of cases concerning the State in question, it will be handled by a **Committee of 3 judges**. In this case, a letter explaining the procedure will be sent to you. **Once again, the Court will contact you if and when necessary.**
- ➔ If your case is not considered to be a repetitive case, it will be examined by a **Chamber of 7 judges**. The Chamber may still declare the case inadmissible and, if it does, that decision will be final, but if it considers the case admissible it will examine the merits of your complaint. Before doing that, however, it will first communicate the application to the Government concerned, to inform them of the existence of the complaint and allow them to submit observations on the matter in dispute. Those observations are then sent to you, to give you a chance to reply. Although you are not obliged to be represented by a lawyer right from the

beginning of the proceedings, the Court will invite you to use one at this stage. **Once again, it is the Court which will contact you.**

- ➔ For your information, no application is ever sent directly before the **Grand Chamber of 17 judges**, but a Chamber may relinquish jurisdiction in favour of the Grand Chamber or a case may be referred to it at a more advanced stage in the proceedings. Relinquishment is possible where the case raises a serious question affecting the interpretation of the Convention or if there is a risk of inconsistency with a previous decision of the Court. A case may also be referred to the Grand Chamber, at the request of any party, within 3 months of the delivery of a Chamber judgment, but the Court accepts such referral requests only in exceptional cases.

2. HOW LONG DOES THE PROCESS TAKE?

It is not possible to say how long it will take the Court, on average, to examine an application. It depends on the type of case, the judicial formation it is assigned to, how swiftly the parties give the Court the information it needs and many other factors. **The Court examines applications in a certain order, which takes into account the importance and the urgency of the issues involved.** This means, for example, that the most serious cases or those which reveal the existence of problems on a large scale will be given priority, which explains why an application that was lodged later than yours may be decided while your case is still pending before the Court.

3. HEARINGS

The Court holds hearings in a small number of Chamber or Grand Chamber cases (about 30 each year). If it decides to hold a hearing in your case, you will be informed. All hearings are recorded and can be viewed on the Court's internet site.

THE END OF THE PROCEEDINGS

The Court may close cases in various ways.

1. THE APPLICATION IS REJECTED

➔ THE FILE IS DESTROYED

If, at the start of the proceedings, the Court contacts you and you fail to reply or you do not reply within the prescribed time, the Court may take this to mean that you do not wish to take the matter any further, and decide to close the case. Your file will be destroyed and you will have no right of appeal against that decision.

➔ THE CASE IS STRUCK OUT OF THE COURT'S LIST

At a more advanced stage of the proceedings, after your application has been assigned to a judicial formation, the Court may strike it out of its list if you do not reply to its requests within the prescribed time; it may take this to mean that you do not wish to take the matter any further. It may also strike an application out of its list following a friendly settlement or a unilateral declaration.

It is therefore essential that you reply to the Court without undue delay. This will ensure that you are not considered to be an applicant who is not interested in following through with his/her application and that the Court does not strike your application out of its list or close the file.

➔ THE CASE IS DECLARED INADMISSIBLE

If you have failed to meet one of the Court's admissibility criteria the Court will declare your application inadmissible and that decision will be final.

2. A JUDGMENT IS GIVEN

If your application was not declared inadmissible the Court, after examining it, may find that there has been no violation of the Convention or, on the contrary, that your rights have been violated. If it does find a violation, it may award you compensation. Note, however, that under no circumstances will the Court set aside a national court's decision.

If the judgment is given by a Committee, it is final and there is no possibility of appeal. A Chamber judgment becomes final 3 months after it was delivered. During those 3 months you or the respondent Government may request that the case be referred to the Grand Chamber for fresh examination. Remember that the Court accepts such requests for referral only in exceptional cases. Grand Chamber judgments are final and not open to appeal.

When a judgment finding a violation becomes final, the Court forwards the file to the Committee of Ministers of the Council of Europe, which is responsible for monitoring the execution of the Court's judgments. That brings the proceedings before the Court to an end.

To conclude, it is important to comply with the admissibility criteria when lodging an application with the Court. If you fail to do this, the Court will be obliged to reject your application without examining your complaints.

What is more, when the Court declares an application inadmissible, that decision is final and it will not be possible for you to have the case reopened or to lodge a new application raising the same complaint.

USEFUL THINGS TO KNOW

■ ANONYMITY

The documents relating to the proceedings before the Court are accessible to the public. If you wish to remain anonymous, you must say so when you fill in the application form, and explain why you do not want your identity to be disclosed.

■ FRIENDLY SETTLEMENT

If the Court considers your application admissible it will endeavour to find an agreement – a friendly settlement – between you and the respondent Government. If that proves impossible, it will examine your complaints and deliver a judgment.

■ UNILATERAL DECLARATION

If you refuse an offer of a friendly settlement without justification, the Court may strike your application out of its list following a declaration by the Government acknowledging that there has been a violation of the Convention and undertaking to provide you with adequate redress.

■ INTERIM MEASURES

You may request an interim measure, but only if you are in immediate danger or there is a serious threat to your health – for example, if you are about to be removed to a country where you risk being tortured.

FREQUENTLY ASKED QUESTIONS

■ IF I APPLY TO THE COURT, DOES IT MEAN I DO NOT HAVE TO COMPLY WITH THE FINAL JUDGMENT GIVEN BY THE DOMESTIC COURTS?

No, applying to the Court has no suspensive effect. You must comply with the final decisions of the national courts even if you lodge an application with the Strasbourg Court.

■ CAN THE COURT HELP ME TO FIND A LAWYER?

No, the Court cannot help you find a lawyer. Contact your local Bar, for example, and ask them for a list of their members.

■ CAN THE COURT HELP ME FILL IN THE APPLICATION FORM?

No, the Court cannot help you with the application form. The Court must remain neutral in all proceedings brought before it. All it can do, therefore, is refer you to the application pack, which you can find on the internet and which contains all the documents and information you need to lodge an application.

■ IS THERE A LEGAL AID SYSTEM?

Yes. However, you cannot request legal aid from the very start of the proceedings, but only when the case is communicated to the Government concerned. And please note that legal aid is not automatically granted to all those who request it.

■ IF I GO TO THE COURT IN PERSON, CAN I EXPLAIN MY CASE DIRECTLY OR DO ANYTHING TO HAVE IT DEALT WITH SOONER?

Definitely not. The proceedings before the Court are in writing and going to the Court serves no useful purpose whatsoever. It is a waste of your time.

■ CAN THE COURT GIVE ME LEGAL ADVICE?

It is not the Court's role to give you legal advice about what formalities or steps you should take in your own country. Concerning the proceedings before the Strasbourg Court, everything is explained in detail in the information documents available on the Court's internet site. The Court cannot tell you what chances your application has of succeeding; you must simply wait for it to issue a decision or deliver a judgment.

■ CAN THE COURT TAKE ANY ACTION IN THE COUNTRY AGAINST WHICH I LODGE AN APPLICATION?

No. The Court will not take any action on your behalf *vis-à-vis* the authorities against whom you lodge a complaint. In exceptional cases, however, it may ask the national authorities to take certain measures, or not to do certain things, until it has had a chance to examine a case (this is reserved mainly for cases where the applicant faces a risk of serious physical harm).

■ HAS THE COURT DEALT WITH OTHER CASES LIKE MINE?

The Court's judgments are published on its internet site. You can search the existing judgments to see if the Court has already examined any cases similar to yours.

■ IF MY APPLICATION WAS DECLARED INADMISSIBLE, CAN I APPEAL AGAINST THAT DECISION?

Inadmissibility decisions are final and cannot be challenged. This shows how important it is that applicants make sure that they comply with all the admissibility criteria before applying to the Court.

■ HOW CAN I OBTAIN INFORMATION ABOUT MY CASE?

The Court cannot answer all the requests it receives for information about progress in the cases pending before it. As proceedings before it are in writing, the Court will write to you if it needs additional information, or at the different stages of the proceedings. Information may also be found on its internet site (concerning communication, questions to the parties, admissibility decisions and so on).

Your application to the ECHR:

How to apply and how your application
is processed



European Court of Human Rights
Council of Europe
F-67075 Strasbourg cedex

www.echr.coe.int