



Notes for filling in the application form

I. What you should know before filling in the application form

What complaints can the Court examine?

The European Court of Human Rights is an international court which can only examine complaints from persons, organisations and companies claiming that their rights under the European Convention on Human Rights have been infringed. The Convention is an international treaty by which a large number of European States have agreed to secure certain fundamental rights. The rights guaranteed are set out in the Convention itself, and also in Protocols Nos. 1, 4, 6, 7, 12 and 13, which only some of the States have accepted. You should read these texts, all of which are enclosed.

The Court cannot deal with every kind of complaint. Its powers are defined by the admissibility criteria set out in the Convention which limit who can complain, when and about what. More than 90% of the applications examined by the Court are declared inadmissible. You should therefore check that your complaints comply with the admissibility requirements described below.

The Court can only examine your case where:

- the complaints relate to **infringements of one or more of the rights** set out in the Convention and Protocols;
- the complaints are **directed against a State which has ratified** the Convention or the Protocol in question (*not all States have ratified every Protocol so check the list of ratifications on the Court's website at www.echr.coe.int/applicants*);
- the complaints relate to matters which involve the responsibility of a public authority (legislature, administrative body, court of law etc.); the Court cannot deal with complaints directed against private individuals or private organisations;
- the complaints concern **acts or events occurring after the date of ratification** by the State of the Convention or the Protocol in question (*see the dates for each State on the list of ratifications on the Court's website at www.echr.coe.int/applicants*);
- you are **personally and directly affected** by the breach of a fundamental right (you have "victim status");
- you have given the domestic system the opportunity to put right the breach of your rights ("exhaustion of domestic remedies"); this generally means that before applying to the Court **you must have raised the same complaints in the national courts**, including the highest court. This involves complying with national rules of procedure, including time-limits. You do not have to make use of remedies which are ineffective or apply for special discretionary or extraordinary remedies outside the normal appeal procedures;
- you have lodged your complete application with the **Court within six months from the final domestic decision** in the national system. The six-month period normally runs from the date on which the decision of the highest competent national court or authority was given, or was served on you or your lawyer. Where there is no available effective remedy for a complaint, the six-month period runs from the date of the act, event or decision complained about. The six-month period is only interrupted when you send the Court a complete application which complies with the requirements of Rule 47 of the Rules of Court (see the text set out in the Application Pack). The period ends on the last day of the

six months even if it is a Sunday or public holiday. To sum up, the application form, together with all the required information and documents, must be dispatched to the Court on or before the final day of the six-month period, so make sure you send them through the post in good time;

- your complaints are based on solid evidence; **you have to substantiate your claims** by telling your story clearly and supporting it with documents, decisions, medical reports, witness statements and other material;
- you are able to show that the matters about which you complain have interfered unjustifiably with a fundamental right. You cannot just complain that a court's decision was wrong or that a domestic tribunal made a mistake; the Court is not a court of appeal from national courts and cannot annul or alter their decisions;
- your complaints have not already been examined by the Court or another international body.

You should also be aware that the Court receives tens of thousands of complaints every year. It does not have the resources to examine trivial or repeated complaints which have no substance and which are not the kind of cases an international supervisory body should be looking into. Such complaints may be rejected as being an abuse of petition, as can also happen where applicants use offensive or insulting language.

Where the matter complained about does not cause an applicant any real harm or significant disadvantage, raises no new human rights issues that need to be addressed at international level and has already been looked at by a domestic court, the case may also be rejected.

For further information on these criteria, you can consult a lawyer or go to the Court's website, which gives information about admissibility criteria and answers to frequently asked questions.

II. How to fill in the application form

- BE LEGIBLE. Preferably you should type.
- FILL IN ALL FIELDS APPLICABLE TO YOUR SITUATION. If not, your application form is not complete and will not be accepted.
- Do not use symbols or abbreviations: explain your meaning clearly in words.
- BE CONCISE.

Language

The Court's **official languages** are English and French but alternatively, if it is easier for you, you may write to the Registry in an official language of one of the States that have ratified the Convention. During the initial stage of the proceedings you may also receive correspondence from the Court in that language. Please note, however, that at a later stage of the proceedings, namely if the Court decides to ask the Government to submit written comments on your complaints, all correspondence from the Court will be sent in English or French and you or your representative will also be required to use English or French in your subsequent submissions.

Notes relating to the fields in the application form

Reminder: For an application to be accepted by the Court, all applicable fields must be completed in the manner indicated and all the necessary documents must be provided as set out in Rule 47. Please bear this in mind when filling in the form and attaching your supporting documents.

The application form – section by section

Please note that the terms used in the application form and notes are based on the Convention – any lack of gender-sensitive language is not meant to exclude anyone.

Box for the barcode

If you have already been in correspondence with the Court on the same matter and have been given a set of barcode labels, you should stick a barcode label in the box on the left-hand side near the top of the first page of the application form.

A. The applicant (Individual)

This section applies to an applicant who is an individual person, as opposed to a legal entity such as a company or association (section B).

1-8. If there is more than one individual applicant, this information must be provided for each additional applicant, on a separate sheet. Please number the individual applicants if there are more than one. See also the section below on “Grouped applications and multiple applicants”.

B. The applicant (Organisation)

This section concerns applicants that are legal entities such as a company, non-governmental organisation or association, etc.

9-15. The identity and contact details of the applicant organisation must be filled in. If there is more than one such applicant, this information must be provided for each additional applicant, on a separate sheet. Please number the applicants if there are more than one.

Identification number: please indicate the official identification number or number assigned to the organisation in the official register or record, if any.

The date of registration, formation or incorporation of the entity should also be included for ease of identification, where such a procedure has been followed.

Grouped applications and multiple applicants

Where an applicant or representative lodges complaints on behalf of two or more applicants whose applications are based on different facts, a separate application form should be filled in for each individual, giving all the information required. The documents relevant to each applicant should also be annexed to that individual’s application form.

Where there are more than five applicants, the representative should provide, in addition to the application forms and documents, a table setting out the required identifying details for each applicant, an example of which may be downloaded from the Court’s website (see www.echr.coe.int/applicants). Where the representative is a lawyer, this table should also be provided in electronic form (on a CD-ROM or memory stick).

In cases of large groups of applicants or applications, applicants or their representatives may be directed by the Registry to provide the text of their submissions or documents by electronic or other means. Other directions may be given by the Registry as to the steps required to facilitate the effective and speedy processing of applications.

Failure to comply with directions by the Registry as to the form or manner in which grouped applications or applications by multiple applicants are to be lodged may lead to the cases not being allocated for examination by the Court (see Rule 47 § 5.2).

C. Representative(s) of the applicant**Non-lawyer**

16-23. Some applicants may choose not to, or may not be able to, take part in the proceedings themselves for reasons such as health or incapacity. They may be represented by a person without legal training, for example a parent representing a child, or a guardian or family member or partner representing someone whose practical or medical circumstances make it difficult to take part in the proceedings (e.g. an applicant who is in hospital or prison). The representative's reason for representing the applicant or relationship with the applicant must be indicated, together with his or her identity and contact details.

Official representative or person competent to act on behalf of an applicant organisation

16-23. An applicant organisation must act through an individual with whom the Court can correspond, such as an officer of a company, chairperson or director. This person should, where possible, provide documentary proof of his or her entitlement to bring the case on behalf of the organisation.

Lawyer

24-30. Details identifying the lawyer who is acting on behalf of the applicant before the Court must be provided, with full contact information. An applicant does not have to instruct a lawyer at the stage of lodging the application, although it may be advisable to do so. The applicant is informed if the case reaches a stage of the proceedings where representation by a lawyer is required. At this point – after a decision by the Court to give notice of the application to the Government concerned for written observations – you may be eligible for free legal aid if you have insufficient means to pay a lawyer's fees and if the grant of such aid is considered necessary for the proper conduct of the case. Information is sent to applicants about this at the relevant time.

Authority

31. An individual applicant must sign the authority empowering the representative to act on his or her behalf, unless, for example, the applicant is a child or lacks legal capacity and is unable to sign. If a representative who is not a lawyer has instructed a lawyer on behalf of an applicant who is unable to sign, the representative should sign the authority on the applicant's behalf.

31. The representative of an applicant organisation must sign here to authorise a lawyer to act on behalf of the organisation.

32. The date required is the date of signature by the individual applicant, or by the representative of an applicant organisation.

D. State(s) against which the application is directed

33. Tick the box(es) of the State(s) against which the application is directed.

This is the State which you consider is responsible for the matters about which you are complaining. Please bear in mind that complaints before the Court can be brought only against the countries listed, which have all joined the Convention system.

E., F. and G.: Subject matter of the application

34-40. Be concise. Put down the essential information concerning your case: the key facts and decisions, and how your rights have been violated, without irrelevant background or side issues. Do not include lengthy quotations: you can always give a reference to an accompanying document. The

facts of your case and your complaints should be set out in the space provided in the application form so as to enable the Court to determine the nature and scope of the application without reference to any other material.

While an applicant may make additional submissions on the facts and complaints and append them to the application form, they must not exceed 20 pages in total (this does not include accompanying decisions and documents). Please note that if a case is communicated to the respondent Government for observations, the applicant is given an opportunity to submit detailed arguments in reply.

All submissions must:

- be wholly legible;
- if typed, be set out in a font size of at least 12 pt in the body of the text and 10 pt in the footnotes;
- in the case of annexes, be set out in A4 page format with a margin of not less than 3.5 cm;
- have pages numbered consecutively;
- be divided into numbered paragraphs.

As a general rule, any information contained in the application form and documents which are lodged with the Registry, including information about the applicant or third parties, will be **accessible to the public**. Moreover, such information may be accessible on the Internet via the Court's HUDOC database if the Court includes it in a statement of facts prepared for the notification of the case to the respondent Government, a decision on admissibility or striking out, or a judgment. Accordingly, you should only provide such details concerning your private life or that of third parties as are essential for an understanding of the case.

In addition, if you do not wish your identity to be disclosed to the public, you must say so and set out the reasons for such a departure from the normal rule of public access to information in the proceedings. The Court may authorise **anonymity** in exceptional and duly justified cases.

E. Statement of the facts

34-36. Be clear and concise. Give exact dates.

Be chronological. Set out events in the order in which they occurred.

If your complaints relate to a number of different matters (for example different sets of court proceedings), please deal with each factual matter separately.

You must provide documents to support your case, in particular copies of relevant decisions or documentary records of any measures about which you complain: for example, a notice of eviction or a deportation order. You must also provide documentary evidence to support your claims, such as medical reports, witness statements, transcripts, documents of title to property, or records of periods spent in custody. If you cannot obtain copies of particular documents you should explain why not.

F. Statement of alleged violation(s) of the Convention and/or Protocols and relevant arguments

37. For each complaint raised, you must specify the Article of the Convention or Protocol invoked and give brief explanations as to how it has been infringed.

Explain as precisely as you can what your complaint under the Convention is. Indicate which Convention provision you rely on and explain why the facts that you have set out entail a violation of that provision. Explanations of this kind must be given for each individual complaint.

Example:

Article 6 § 1: the civil proceedings concerning my claim for compensation for an injury took an unreasonable length of time as they lasted over ten years, from 10 January 2002 until 25 April 2012.

G. Information concerning exhaustion of domestic remedies and the six-month time-limit (Article 35 § 1 of the Convention)

38. Here you must show that you have given the State a chance to put matters right before having recourse to the international jurisdiction of the Court. This means you must explain that you have used the available effective remedies in the country concerned.

For each complaint raised under the Convention or the Protocols, please state the following:

- the exact date of the final decision, the name of the court or tribunal and the nature of the decision;
- the dates of the other lower court or tribunal decisions leading up to the final decision;
- the case file number in the domestic proceedings.

Remember to append copies of all the decisions taken by courts or other decision-making bodies, from the lowest to the highest; you must also provide copies of your claims or applications to the courts and your statements of appeal so that you can show that you raised the substance of your Convention complaints at each level.

You must also show that you have lodged each complaint with the Court within six months of the final decision in the process of exhausting domestic remedies for that complaint. So it is crucial to identify the date of the final decision. You must provide proof of this, either through a copy of the decision containing the date or, if you did not receive a copy of the final decision on the date it was delivered or made public, proof of the date of service, e.g. evidence of the date of receipt, or a copy of the registered letter or envelope. Where no appropriate remedies were available, you must show that you have lodged the complaint within six months of the act, measure or decision complained of and submit documentary evidence of the date of the act, measure or decision.

39-40. Here you should state if there was an available remedy which you did not use. If so, you should give the reasons why you did not make use of it.

Further useful information about exhaustion of domestic remedies and compliance with the six-month time-limit may be found in the Practical Guide on Admissibility Criteria (www.echr.coe.int/applicants).

H. Information concerning other international proceedings (if any)

41-42. You must indicate whether you have submitted the complaints in your application to any other procedure of international investigation or settlement, for example a United Nations body such as the ILO or the UN Human Rights Committee, or an international arbitration panel. If you have, you should give details, including the name of the body to which you submitted your complaints, the dates and details of any proceedings which took place and details of any decisions that were taken. You should also submit copies of relevant decisions and other documents.

43-44. Previous or pending applications before the Court:

You should also specify whether you as an applicant have, or have had, any other applications before the Court and, if so, give the application number(s). This is vital to assist the Court in filing, retrieving and processing the different applications under your name.

I. List of accompanying documents

45. You must enclose a numbered and chronological list of all judgments and decisions referred to in sections E., F., G. and H. of the application form, as well as any other documents you wish the Court to take into consideration as evidence supporting your claims of a violation of the Convention (transcripts, witness statements, medical reports etc.).

You should enclose full and legible *copies* of all documents.

No documents will be returned to you. It is thus in your interests to submit copies, not originals.

You MUST:

- arrange the documents in order by date and by procedure;
- number the pages consecutively;
- NOT staple, bind or tape the documents.

REMINDER: It is the applicant's responsibility to take steps in good time to obtain all the information and documents required for a complete application. If you do not provide one or more of the necessary documents your application will not be regarded as complete and it will not be examined by the Court, unless you have given an adequate explanation of why you were unable to provide the missing document(s).

Declaration and signature

47-48. The applicant, or the authorised representative, must sign the declaration. No one else can do so.

49. Confirmation of correspondent

The Registry will only correspond with one applicant or one representative, so if there are a number of applicants and no representative has been appointed, one applicant should be identified as the person with whom the Registry should correspond. Where the applicant is represented, the Registry will only correspond with one representative. So, for example, an applicant who has more than one lawyer must identify the lawyer who will conduct the correspondence with the Court.

III. Information on lodging the application and how it is processed

A. Means of lodging the application

Applications to the Court may be made only by post (not by telephone). This means that the paper version of the application form with the original signatures of the applicant(s) and/or the authorised representative(s) must be sent by post. The receipt of a faxed application is not counted as a complete application as the Court needs to receive the original signed application form. **No purpose will be served by your coming to Strasbourg in person to state your case orally.**

The application form may be downloaded from the Court's website www.echr.coe.int/applicants.

Send the application form to:

**The Registrar
European Court of Human Rights
Council of Europe
67075 STRASBOURG CEDEX
FRANCE**

B. Processing of the application

A file will be opened and correspondence and documents stored by the Court only where a complete application form with supporting documents has been received.

On receipt of the application form, the Registry of the Court will verify that it contains all the information and documents required. If it does not, you will receive a reply stating that Rule 47 has not been complied with, that no file has been opened and no documents have been kept. It is open to you to submit a fresh application: this means submitting a completed application form and all relevant documents and decisions, even if you have sent some of the information previously. No partial submissions will be accepted.

The Registry cannot provide you with information about the law of the State against which you are making your complaint or give legal advice concerning the application and interpretation of national law.

When sending off your application, you should keep a copy of the form as you have filled it in, together with the original documents, so that if the Registry informs you that the application was incomplete you will be able, if you wish, to resubmit a fresh and complete application without difficulty or undue delay. There is no guarantee that if an application form is rejected as incomplete there will be enough time for an applicant to submit a new application before the six-month time-limit. For that reason, you should take care to submit a complete application form together with all the necessary supporting documents in good time.

If the application form submitted is complete, you may receive a reply from the Registry telling you that **a file (the number of which must be mentioned in all subsequent correspondence) has been opened in your name** and sending you a set of barcodes which you should attach to any future correspondence.

The Registry may also contact you with a request for further information or clarifications. It is in your interests to reply rapidly to any correspondence from the Registry as a newly opened file which is inactive will be destroyed after six months. Furthermore, you should note that where a case has been allocated for examination by the Court, any delay or failure to reply to correspondence from the Registry or to provide further information or documents may be taken to mean that you no longer wish to pursue your case. This may then result in the application not being examined by the Court or being declared inadmissible or struck out of the Court's list of cases.

C. No court fees

Your case will be dealt with **free of charge**. You will automatically be informed of any decision taken by the Court.