

HELP online course on ADMISSIBILITY CRITERIA

in applications submitted to the European Court of Human Rights

Introduction



The system of protection of fundamental rights and freedoms established by the European Convention on Human Rights (“the Convention”) is based on the principle of subsidiarity. The task of ensuring the application of the Convention falls primarily to the State Parties to the Convention; the European Court of Human Rights (“the Court”) should intervene only where States have failed in their obligations.

Supervision by Strasbourg is triggered mainly by individual applications, which may be lodged with the Court by any individual or non-governmental legal entity located within the jurisdiction of a State Party to the Convention, and they must fulfill certain criteria. However, the Court rejects around 90% of all applications received as inadmissible. It is clear from both this statistic as well as from the Court’s practice that most individual applicants and many of the legal advisers need a better knowledge of the admissibility requirements.

This course will enable you to understand the criteria governing the admissibility of applications lodged before the ECtHR and the procedure before it in determining the admissibility of an application.

Outline of the course

1. Introduction

- a. The European Convention on Human Rights
- b. Subsidiarity principle
- c. The grounds for inadmissibility
- d. The consequences of admissibility
- e. Submission of an application
- f. Receipt and assignment

- g. Scope of additional submissions
 - h. The (in)admissibility decision
- 2. Grounds for inadmissibility (1)**
- a. Anonymity
 - b. Abuse of the right of application
 - c. Substantially the same
 - d. Incompatibility *ratione personae, ratione loci, ratione temporis, ratione materiae*
- 3. Grounds for inadmissibility (2)**
- a. Non-exhaustion of domestic remedies
 - b. Six-month rule
 - c. No significant disadvantage
- 4. Grounds for inadmissibility (3)**
- a. Manifestly ill-founded
- 5. Striking out and completing the form**

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