Admissibility criteria in applications submitted to the European Court of Human Rights



HELP
Human Rights Education for Legal Professionals and the Council of Europe

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Admissibility Criteria in Applications Submitted to the European Court of Human Rights

HELP ONLINE COURSE

Duration: 5 hours

Available for free on the CoE HELP e-learning platform

Statement of Accomplishment

START COURSE

Council of Europe
Human Rights Education for Legal Professionals (HELP) Programme
2023

COUNCIL OF EUROPE
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Background

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.

Course outline

The course consists of the following modules:

Introductory module
- About the course
- Learning objectives
- Structure of the course
- Resources

1

Introduction to the ECHR and the Procedure before the ECtHR
- The Convention and the Court
- The subsidiarity principle
- Formal requirements
- Individual applications

2

Admissibility: Overview and Procedure
- Conditions of admissibility
- Proceedings before the Court

3

Admissibility Criteria based on Procedural Grounds

- Exhaustion of domestic remedies
- The four-month time limit
- Anonymous applications
- Substantially the same
- Abuse of the right of individual petition

4

Admissibility Criteria relating to the Court Jurisdiction

- Compatibility *ratione personae*
- Compatibility *ratione temporis*
- Compatibility *ratione loci*
- Compatibility *ratione materiae*

5

Admissibility Criteria based on the Merits

- Non manifestly ill-founded
- No significant disadvantage

Target audience

This free on-line course is addressed to legal professionals (judges, senior court staff, lawyers, prosecutors).

How to access the HELP online course

The course is freely available in self-learning format on the CoE HELP e-learning platform. The overall length of the online course is approximatively 5 hours and those who complete it in self-learning format can obtain an electronic 'Statement of accomplishment'.

To access the course, you need to have a HELP account. If you haven't created one yet, you can sign up here, it only takes 2 minutes.

