
Survey of practitioners' experience of the operation of Rule 47 of the Rules of Court of the European Court of Human Rights

The European Court of Human Rights (the Court) is celebrating the seventieth anniversary of the European Convention on Human Rights (the Convention) which created the right of individual application to the Court in 1950. This provides an opportunity to review the practical operation of Rule 47 of the Court's Rules (R47) which defines the contents of individual applications. The review was suggested to the CCBE's PD Stras Committee at its bilateral meeting with judges of the Court and members of the Registry. It reflects the key role of lawyers in making the Convention system work effectively.

R47 and the practice relating to lodging applications was substantially revised from 1 January 2014 together with the basis for calculating the six month time limit for lodging applications. Under the amended R47 applicants must comply with strict requirements for their application to the Court to be valid. In brief, they must use the Court's new application form, and complete all the fields and append all necessary supporting documents. Applicants must also provide a signed (wet ink) authority incorporated in the application form appointing their lawyer. In addition, only filing a correctly completed application form can interrupt the six month time limit under Article 35 of the Convention. Failure to comply with R47 renders the application invalid and it will not be further examined.

The review will provide feedback to the Court. Practitioners are invited to draw on their experience with as much precision as possible, making allowance for any confidentiality concerns. Their names, which are required to ensure the integrity of the process, will not be communicated to the Court.

Application Form

1. Have you experienced technical difficulties with using the revised application form?
2. Is the division of space in the form between E Statement of the Facts, F Statement of alleged violations and G Compliance with admissibility criteria, appropriate? Is space sufficient?
3. Is the form well suited to:
 - a. Applications by several individuals together?
 - b. Applications by legal persons where separate proof of authority is required?
 - c. Applications by individuals and legal persons together?
4. In your experience have any of the following requirements been problematic and how?
 - a. The requirement for wet ink signatures by each applicant and their representative on the same page of the form to the exclusion of a separate authority to act (R47(1)(c))?
 - b. The requirement that an application form and supporting documents must be lodged by post, to the exclusion of e-filing or fax submission (R47(6)(a))?
 - c. The requirement for a separate proof of authority for a director or officer of a legal person (R47(3.1)(d))?
5. Have you ever succeeded in achieving the examination of an application pursuant to R47(5.1), ie despite an initial failure to comply with R47?

Dealings with the Registry

6. Have you experienced difficulties due to lack of response from the Registry:
 - a. On lodging an application?
 - b. When seeking interim measures (R39)?
 - c. When seeking priority (R41)?
 - d. When providing additional information (R47(7))?
 - e. After communication, when time limits for the Government's observations are extended?
7. Has your experience of the operation of R47 varied when lodging applications against different respondent Governments, handled by different parts of the Registry? If so, how?
8. Do you have any further comments about the operation of R47, whether relating to the Form or the Registry?