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HOW TO PROTECT YOUR RIGHTS IN THE EUROPEAN COURT OF HUMAN RIGHTS?

The European Court of Human Rights, an international court located in Strasbourg, France, was established in 1959. The number of judges equal to the number of member States of the Council of Europe, which have ratified the Convention for the Protection of Human Rights and Fundamental Freedoms. At present, the European Court for Human Rights consists of 47 judges [1; 2, p. 3]. States that have ratified the Convention, also known as “States Parties”, have undertaken to secure and guarantee to everyone within their jurisdiction, not only their nationals, the fundamental civil and political rights defined in the Convention.

The rights and freedoms secured by the Convention include the right to life, the right to a fair hearing, the right to respect for private and family life, freedom of expression, freedom of thought, conscience and religion and the protection of property. The Convention prohibits, in particular, torture and inhuman or degrading treatment or punishment, forced labour, arbitrary and unlawful detention, and discrimination in the enjoyment of the rights and freedoms secured by the Convention [2, p. 4].

You may lodge an application with the Court if you consider that you have personally and directly been the victim of a violation of the rights and guarantees set out in the Convention or its Protocols. The alleged violation must have been committed by one of the States bound by the Convention. The Convention makes a distinction between two types of application: individual applications lodged by any person, group of individuals or company that have a complaint about a violation of their rights, and inter-State applications brought by one State against another.

Your application must relate to one of the rights set out in the European Convention on Human Rights. Alleged violations may cover a wide range of issues, such as: torture and ill-treatment of prisoners; lawfulness of detention; shortcomings in civil hearings or criminal trials; discrimination in the exercise

of a Convention right; parental rights; respect for private life, family life, the home and correspondence; restrictions on expressing an opinion or on imparting or receiving information; freedom to take part in an assembly or demonstration; confiscation of property and expropriation. You cannot complain of a violation of any legal instrument other than the European Convention on Human Rights, such as the Universal Declaration of Human Rights or the Charter of Fundamental Rights.

To apply to the Court you must send a completed and signed application form. You may write in one of the Court's official languages (English and French) or in an official language of one of the States that have ratified the Convention. The Court must first examine whether your application is admissible. This means that the case must comply with certain requirements set out in the Convention. If the conditions are not satisfied, your application will be rejected. If the Court finds that there has been a violation, it may award you a sum of money in compensation for certain forms of damage. The Court may also require the State concerned to refund the expenses you have incurred in presenting your case [3].

In summary, if you want to protect your rights in the European Court of Human Rights you need to: know what rights the Court protects, against whom you can lodge an application and how you can apply.

References:

1. European Court of Human Rights. [Electronic resource] – Access mode: <https://www.britannica.com/topic/European-Court-of-Human-Rights>.
2. European Court of Human Rights: Questions & Answers. [Electronic resource] – Access mode: https://www.echr.coe.int/Documents/Questions_Answers_ENG.pdf.
3. Rights and freedoms in practice: Teaching resources // Council of Europe. European Convention of Human Rights. [Electronic resource] – Access mode: https://www.echr.coe.int/Documents/Pub_coe_Teaching_resources_ENG.pdf.