

## Costs in the European Court of Human Rights

---

### Key Statutes and Authorities

- Rules of the Court;
- Practice Direction: Just Satisfaction Claims (PD: JSC)

### Introduction

This Note is an overview of the procedure for claiming costs in proceedings in the European Court of Human Rights (ECtHR), and the procedural differences to the CPR.

### Background

The ECtHR has its own procedure rules. These only apply to proceedings that are directly in front of the ECtHR.

Costs can only be awarded against a “Contracting Party” (a country that has agreed to be bound by the European Convention on Human Rights), not against a person who feels that their rights have been breached.

### Legal aid (*Chapter XI, r. 100-105*)

Legal Aid is available, but you need to apply directly to the ECtHR with supporting evidence. It can be withdrawn if circumstances change.

### Basis of Assessment

If an individual succeeds in a claim, then they will be entitled to claim costs from the Contracting Party (*r. 74.1(j)*).

However, only costs relating to the issues on which violations of rights have been found will be awarded (*PD: JSC, para. 17*).

Costs are assessed on a basis that is equivalent to the pre-CPR Standard Basis, i.e. they must be only reasonable and necessarily incurred (*PD: JSC, para. 19-20*). Proportionality is not relevant.

### Experts and witnesses (*r. A5*)

The costs of experts and witnesses who take part in an investigation on behalf of a Contracting Party shall be paid by the Contracting Party, unless ordered otherwise.

If the ECtHR orders that a detained person attends, the Contracting Party will pay their costs of attending.

---

#### Contact:

Gareth Winchester  
[Gareth.Winchester@thomas-legal.com](mailto:Gareth.Winchester@thomas-legal.com)  
+44 (0) 20 7073 2601

#### Thomas Legal Costs

Thames House  
18 Park St.  
London  
SE1 9EQ

#### Disclaimer:

This guidance note should not be considered formal legal advice or legal opinion and should not be relied upon. Appropriate legal advice should be sought before entering into any legal proceedings.

---