KEY THEME[1]
Article 34/35
The *locus standi* of representatives to bring/pursue a case before the Court when the direct victim has died

(Last updated: 31/08/2026)

Introduction

Where an association does not have a written authority to act on behalf of a deceased victim, the Court will consider whether such exceptional circumstances exist whereby the association should still be considered a *de facto* representative. If this is not the case, the application will be declared inadmissible as being incompatible *ratione personae* with the provisions of the Convention.

Principles drawn from the current case-law

- Where the application is not lodged by the victims themselves, Rule 45 § 3 of the Rules of Court requires in principle that a written and duly-signed authority to act be produced (*Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], 2014, § 102).
- In exceptional circumstances and cases concerning allegations of a serious nature, associations may represent victims in the absence of a power of attorney, and notwithstanding that the victim may have died before the application in question was lodged under the Convention. To find otherwise would amount to preventing such serious allegations of a violation of the Convention from being examined at an international level, with the risk that a respondent State might escape accountability under the Convention (*Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], 2014, § 112; *Association for the Defence of Human Rights in Romania – Helsinki Committee on behalf of Ionel Garcea v. Romania*, 2015, § 42; see, *mutatis mutandis, Kondrulin v. Russia*, 2016, § 31). In such instances, the association is considered to be a *de facto* representative of the deceased victim (see e.g. *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], 2014, § 114, and *Validity Foundation on behalf of T.J. v. Hungary*, 2024, § 50).
- These principles have been considered to apply also to cases where the direct victim died after lodging the application and an association pursued the application (*Kondrulin v. Russia*, 2016, §§ 31-34).
- The Court has found the following complaints brought/pursued by associations to be admissible:

  - **Article 2** (*Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], 2014; *Association for the Defence of Human Rights in Romania – Helsinki Committee on behalf of Ionel Garcea v. Romania*, 2015, and *Validity Foundation on behalf of T.J. v. Hungary*, 2024);

[1] Prepared by the Registry. It does not bind the Court.

- Article 3 (*Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], 2014; *Association for the Defence of Human Rights in Romania – Helsinki Committee on behalf of Ionel Garcea v. Romania*, 2015; *Kondrulin v. Russia*, 2016; *Association Innocence en Danger and Association Enfance et Partage v. France*, 2020, §§ 119-32 and 134);

- Article 13 in conjunction with Articles 2 or 3 (*Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], 2014; *Association for the Defence of Human Rights in Romania – Helsinki Committee on behalf of Ionel Garcea v. Romania*, 2015; *Association Innocence en Danger and Association Enfance et Partage v. France*, 2020, §§ 119-132 and 134); and

- **Article 34** (*Kondrulin v. Russia*, 2016).

- When considering whether an association should have standing as a *de facto* representative, the Court has taken into account the following "exceptional circumstances": the vulnerability of the direct victim and his/her inability to complain while alive; the seriousness of the allegations brought before the Court; the lack of known heirs or legal representatives capable of lodging an application with the Court; the contacts between the association and the victim prior to the death and the intervention of the association at the domestic proceedings after the death, and whether its formal standing had not been challenged by the domestic authorities (*Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], 2014, §§ 104-114; *Association for the Defence of Human Rights in Romania – Helsinki Committee on behalf of Ionel Garcea v. Romania*, 2015, §§ 43-45; *Bulgarian Helsinki Committee v. Bulgaria* (dec.), 2016, §§ 51-59; *Kondrulin v. Russia*, 2016, §§ 32-33; *Association Innocence en Danger and Association Enfance et Partage v. France*, 2020, §§ 119-132). The fact that the victim was able, during his/her life, to lodge complaints does not in itself exclude representation in the absence of a power of attorney after his/her death (*Association for the Defence of Human Rights in Romania – Helsinki Committee on behalf of Ionel Garcea v. Romania*, 2015, § 45).
- The existence of known heirs or legal representatives of the victim does not, however, preclude the Court from granting standing to applicant associations to act on behalf of a child who died in a family setting (*Association Innocence en Danger and Association Enfance et Partage v. France*, 2020, §§ 125-129, in respect of child protection associations representing a deceased child who died as a result of ill-treatment at the hands of her parents). Likewise, the Court recognised the standing of an association to lodge an application on behalf of an adult person with a severe intellectual disability who had died in a State-run social care home despite the existence of a State-appointed guardian, since that guardian had failed to protect the direct victim's interests at the domestic level and was not legally entitled to lodge an application with the Court after the victim's death (*Validity Foundation on behalf of T.J. v. Hungary*, 2024, §§ 43-51).
- The Court has also applied the above criteria set forth in *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], 2014, to determine whether a non-governmental organisation could be recognised as having *locus standi* to act as a *de facto* representative of a child suffering from a mental disability (*L.R. v. North Macedonia*, 2020, §§ 46-54, where the Court recognised the standing of the association having regard *inter alia* to the circumstances whereby the child had been abandoned at birth, his parents also suffered from a mental disability and his legal guardian had been accused of not protecting his interests).

Noteworthy examples

1. *An association allowed to represent a deceased victim in the absence of power of attorney*

- *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], 2014, §§ 104-114, and 156 (the Court found complaints under Articles 2, 3 and 13 admissible. It held that it was not necessary to consider the admissibility and merits of the complaints under Articles 5, 8 and 14);
- *Association for the Defence of Human Rights in Romania – Helsinki Committee on behalf of Ionel Garcea v. Romania*, 2015, §§ 39-46, 79 and 81 (the Court found the complaint under Article 2 admissible. It held that it was not necessary to consider the admissibility and merits of the complaints under Articles 3, 6 and 13);
- *Kondrulin v. Russia*, 2016, §§ 28-34 (the Court found the complaints under Articles 3 and 34 admissible);
- *Association Innocence en Danger and Association Enfance et Partage v. France*, 2020, §§ 119-132 (the Court found the complaints under Article 3 and Article 13 in conjunction with Article 3 admissible);
- *Validity Foundation on behalf of T.J. v. Hungary*, 2024, §§ 43-51 (the Court found the complaint under Article 2 admissible. It held that it was not necessary to consider the admissibility and merits of the complaints under Articles 13 and 14).

2. An association not allowed to represent a deceased victim in the absence of power of attorney

- *Bulgarian Helsinki Committee v. Bulgaria* (dec.), 2016, §§ 50-61 (the association complained under Articles 2, 3, 8, 13 and 14).

Further references

Other key themes:

- The *locus standi* of relatives (indirect victims) to bring a case to the Court when the direct victim has died
- Representation of the child before the ECHR

Other international human rights mechanisms:

The United Nations Human Rights Committee

- Rules of procedure of the Human Rights Committee Rule 99 (b)

The Inter-American system

- American Convention on Human Rights (Article 44)
- Rules of Procedure of the Inter-American Commission on Human Rights (Article 23)

The African system

- Guidelines for the Submission of Communications to the African Commission on Human and People's Rights (p. 5)

KEY CASE-LAW REFERENCES

Leading case:

- *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, ECHR 2014 (preliminary objection concerning the lack of *locus standi* dismissed; violation of Article 2).

Other relevant cases:

Earlier case-law:

- *Nencheva and Others v. Bulgaria*, no. 48609/06, 18 June 2013 (preliminary objection concerning the lack of *locus standi* of the applicant association accepted; violation of Article 2 in respect of individual applicants).

Subsequent case-law:

- *Association for the Defence of Human Rights in Romania – Helsinki Committee on behalf of Ionel Garcea v. Romania*, no. 2959/11, 24 March 2015 (preliminary objection concerning the lack of *locus standi* dismissed; violation of Article 2);
- *Lambert and Others v. France* [GC], no. 46043/14, ECHR 2015 (extracts) (no *locus standi* to represent deceased family member; *locus standi* granted to lodge application on the applicant's own behalf; no violation of Article 2);
- *Bulgarian Helsinki Committee v. Bulgaria* (dec.), nos. 35653/12 and 66172/12, 28 June 2016 (inadmissible: preliminary objection concerning the lack of *locus standi* accepted);
- *Kondrulin v. Russia*, no. 12987/15, 20 September 2016 (preliminary objection concerning the lack of *locus standi* dismissed; violation of Articles 3 and 34);
- *L.R. v. North Macedonia*, no. 8067/15, 23 January 2020 (preliminary objection concerning the lack of *locus standi* dismissed; violation of Article 3);
- *Association Innocence en Danger and Association Enfance et Partage v. France*, nos. 15343/15 and 16806/15, 4 June 2020 (preliminary objection concerning the lack of *locus standi* dismissed; violation of Article 3; no violation of Article 13 in conjunction with Article 3).