



Notice to Members

EUROPEAN COURT OF HUMAN RIGHTS
Amendments to Rules 36 and 44 of the Rules of Court

Introduction

The Chamber of Advocates wishes to draw members' attention to amendments to Rules 36 and 44 of the Rules of Court of the European Court of Human Rights, adopted by the Plenary Court on 7 September 2026. The amendments will enter into force on 25 March 2027.

The amendments concern the representation of children in proceedings before the European Court of Human Rights and introduce a mechanism whereby, in certain special circumstances, an independent representative may be appointed to represent a child. The Court has clarified that the amendments do not alter the existing general rules and case-law governing the representation of children, but introduce an additional mechanism for the appointment of an independent representative where circumstances warrant it.

1. Rule 36 – Representation of applicants

A new paragraph 3bis is being introduced into Rule 36. Once an application has been communicated under Rule 54 § 2(b), the President of the Chamber may, where special circumstances so warrant, request the respondent Government or the Government of another Contracting Party concerned to ensure the appointment of an independent representative for a child applicant.

The appointment may be made by a court, another competent domestic authority or a Bar Association, in accordance with the applicable domestic procedure. The representative so appointed will be authorised to act on behalf of the child before the Court.

2. Qualification of the representative

Rule 36 § 4(a) is also being amended to provide that a representative acting under the relevant provisions of Rule 36, including the new paragraph 3bis, must be an advocate authorised to practise in a Contracting Party and resident within the territory of one of the Contracting Parties, or another person approved by the President of the Chamber.

3. Rule 44 – Third-party intervention

A corresponding amendment is being made to Rule 44. Exceptionally, where a child has been invited or granted leave to intervene under Article 36 § 2 of the Convention, the President of the Chamber may similarly request the appointment of an independent representative for that child, in accordance with the procedure provided for in Rule 36 § 3bis.

4. Practice Direction to follow

The European Court has indicated that a new Practice Direction setting out the scope and procedure for the implementation of these amendments is currently being prepared and will be issued by the President of the Court before the amendments come into force.

The Chamber will circulate any further guidance once the Practice Direction is issued.

Chamber of Advocates

September 2026

Publication note

This notice is intended as a general overview of the amendments to Rules 36 and 44 of the Rules of Court of the European Court of Human Rights notified by the Registrar on 25 September 2026. It is not a substitute for the text of the Rules of Court, the forthcoming Practice Direction or legal advice in any individual matter.