

Unravelling the Procedural Obligations of the Administration in the Case Law of the European Court of Human Rights

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Abstract : The observance of procedural rights by administrative authorities is essential for the effective implementation of subjective rights and is part and parcel of the notion of good governance. Whilst a lot of legal scholarship addresses the scope and content of such rights under the European Union legal framework, a very limited attention is given to their application in the case law of European Court of Human Rights (ECtHR) despite its growing engagement with the subject. This paper written as a part of a wider project on the development of pan-European principles of good administration by the Council of Europe aims to fill this lacuna. This will be done by delimiting the scope and extent of individual procedural safeguards through an analysis of the practice of the ECtHR. The right to be heard, the right to access the files and the right to a decision in reasonable time by administrative authorities will be selected as loci classici for the purpose of this article. The results presented in the paper should contribute to the awareness of growing body of ECtHR's case-law revolving around administrative procedural law and the growing debate on the notion of good governance found therein within academic community.

Keywords : European Court of Human Rights, good governance, procedural rights, procedural Law

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