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THE EXHAUSTION OF DOMESTIC REMEDIES AS A CRITERION FOR THE ADMISSIBILITY OF INDIVIDUAL APPEALS TO THE EUROPEAN COURT OF HUMAN RIGHTS

The given issue is closely connected with the increase in the number of unaccepted appeals in the European Court of Human Rights. According to statistics, the ECHR dismisses approximately 90% of the applications filed on the grounds of inadmissibility. These data and experience clearly show that the majority of applicants and a significant number of lawyers are not sufficiently aware of the eligibility criteria. The purpose of this work is to analyse the issues related to the exhaustion of domestic remedies as one of the important conditions of the admissibility of applications and to improve importance of adherence to the rules and conditions for filing applications to the ECHR.

The right to an individual appeal to the European Court of Human Rights is considered a distinctive feature and the main achievement of the European Convention on Human Rights. Individuals who believe that their fundamental rights have been violated may apply to the European Court of Human Rights. This is stated in Article 34 of the Convention: «The Court may receive applications from any person, non-governmental organisation or a group of individuals claiming to be the victim of violation by one of the High Contracting Parties of the rights set forth in the Convention or the protocols thereto. The High Contracting Parties undertake not to hinder in any way the effective exercise of this right». For the court to declare the condition admissible, it must meet certain conditions, otherwise, the complaint will not be considered. These requirements are set out in Article 35 of the Convention:

«1. The Court may only deal with the matter after all domestic remedies have been exhausted, according to the generally recognised rules of

international law, and within a period of six months from the date on which the final decision was taken.

2. The Court shall not deal with any application submitted under Article 34 that:

a) is anonymous; or

b) is substantially the same as the matter that has already been examined by the Court.

3. The Court shall declare inadmissible any individual application submitted under Article 34 if it considers incompatible with the provisions of the Convention or the protocols thereto, manifestly ill-founded, or the abuse of the right to apply.

4. The Court shall reject any application which it considers inadmissible under this Article. It may do so at any stage of the proceedings.

Consequently, the first paragraph of Article 35 of the Convention states that a complaint can only be filed after the exhaustion of domestic remedies. In other words, individuals who complain of violating their rights should first apply these complaints to the courts of the respective state at all levels of jurisdiction. Thus, the State is able to resolve violations at the national level. What procedures at the national level should be carried out by the applicant in advance? Often remedies are appeals to the relevant court with subsequent appeals and cassation appeals. In Ukraine, in most cases, it is necessary to appeal court decisions in appeals and cassation procedures, and the last instance is the Supreme Court. Therefore, it is necessary to appeal to the European Court of Human Rights within six months after receiving the final judgment of the Supreme Court. The rule of exhaustion of domestic remedies is not absolute. It is necessary to exhaust only those which are available to the applicant and effective both in theory and in practice, that is, those that are capable of correcting the harm done to the applicant and which open up probable prospects for success. For example, in some cases, the applicant is not obliged to resort to remedies when it is proved that in administrative practice of the State respondent repeated actions are incompatible with the Convention and that the official authorities of the State treat it with tolerance, thus making any proceeding useless or ineffective.

To summarize, the rule of exhaustion of domestic remedies is not automatically applicable and has certain limitations originating from the

case-law of the ECHR, and depends on the circumstances of a particular case. It is necessary to systematize the case-law of the Court, translate the decisions of the Court, review them and analyse them, as well as publish such information in open access to the society.

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PROTECTION OF PERSONAL DATA IN THE PRACTICE OF THE EUROPEAN COURT OF HUMAN RIGHTS: GENERAL CHARACTERISTICS

The purpose of the work is to present the main theoretical aspects of personal data protection and demonstrate their application in practice.

The importance of the research on the protection of personal data is determined by the fact that in today's conditions there are many sources of information, which often include personal data, the protection of which must be provided internationally.

What does the concept of personal data protection mean? The system of law is known to contain a very general definition of personal data, which is understood as "information or a set of information about an individual that is identified or can be specifically identified" [1]. Use of personal data