

European Convention for Protection of Human Rights and Fundamental Freedoms (consolidated ... five Protocols)

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1 **The European Convention on Human Rights -
Convention for Protection of Human Rights and
Fundamental Freedoms**

2 **Preamble**

3 The Governments signatory hereto, being Members of the Council
of Europe,

4 Considering the [Universal Declaration of Human Rights](#) proclaimed
by the General Assembly of the United Nations on 10th December
1948;

5 Considering that this Declaration aims at securing the universal
and effective recognition and observance of the Rights therein de-
clared;

6 Considering that the aim of the Council of Europe is the achieve-
ment of greater unity between its Members and that one of the
methods by which that aim is to be pursued is the maintenance
and further realisation of Human Rights and Fundamental Free-
doms;

7 Reaffirming their profound belief in those Fundamental Freedoms
which are the foundation of justice and peace in the world and are
best maintained on the one hand by an effective political democracy
and on the other by a common understanding and observance of the
Human Rights upon which they depend;

8 Being resolved, as the Governments of European countries which
are like-minded and have a common heritage of political traditions,
ideals, freedom and the rule of law, to take the first steps for the col-
lective enforcement of certain of the Rights stated in the Universal
Declaration,

9 Have agreed as follows:

10 **Article 1**

The High Contracting Parties shall secure to everyone within their
jurisdiction the rights and freedoms defined in Section I of this
Convention. 11

Section I 12

Article 2 13

1. Everyone's right to life shall be protected by law. No one shall be
deprived of his life intentionally save in the execution of a sentence
of a court following his conviction of a crime for which this penalty
is provided by law. 14

2. Deprivation of life shall not be regarded as inflicted in contra-
vention of this article when it results from the use of force which is
no more than absolutely necessary: 15

(a) in defence of any person from unlawful violence; 16

(b) in order to effect a lawful arrest or to prevent the escape of a
person lawfully detained; 17

(c) in action lawfully taken for the purpose of quelling a riot or
insurrection. 18

Article 3 19

No one shall be subjected to torture or to inhuman or degrading
treatment or punishment. 20

Article 4 21

1. No one shall be held in slavery or servitude. 22

2. No one shall be required to perform forced or compulsory 23

labour.

24 3. For the purpose of this article the term “forced or compulsory
labour” shall not include:

25 (a) any work required to be done in the ordinary course of detention
imposed according to the provisions of Article 5 of this Convention
or during conditional release from such detention;

26 (b) any service of a military character or, in case of conscientious
objectors in countries where they are recognised, service exacted
instead of compulsory military service;

27 (c) any service exacted in case of an emergency or calamity threat-
ening the life or well-being of the community;

28 (d) any work or service which forms part of normal civic obliga-
tions.

29 Article 5

30 1. Everyone has the right to liberty and security of person.

31 No one shall be deprived of his liberty save in the following cases
and in accordance with a procedure prescribed by law:

32 (a) the lawful detention of a person after conviction by a competent
court;

33 (b) the lawful arrest or detention of a person for non-compliance
with the lawful order of a court or in order to secure the fulfilment
of any obligation prescribed by law;

34 (c) the lawful arrest or detention of a person effected for the purpose
of bringing him before the competent legal authority on reasonable
suspicion of having committed an offence or when it is reasonably
considered necessary to prevent his committing an offence or fleeing
after having done so;

35 (d) the detention of a minor by lawful order for the purpose of

educational supervision or his lawful detention for the purpose of
bringing him before the competent legal authority;

(e) the lawful detention of persons for the prevention of the spread- 36
ing of infectious diseases, of persons of unsound mind, alcoholics or
drug addicts or vagrants;

(f) the lawful arrest or detention of a person to prevent his effect- 37
ing an unauthorised entry into the country or of a person against
whom action is being taken with a view to deportation or extradi-
tion.

2. Everyone who is arrested shall be informed promptly, in a lan- 38
guage which he understands, of the reasons for his arrest and of
any charge against him.

3. Everyone arrested or detained in accordance with the provisions 39
of paragraph 1(c) of this article shall be brought promptly before a
judge or other officer authorised by law to exercise judicial power
and shall be entitled to trial within a reasonable time or to release
pending trial. Release may be conditioned by guarantees to appear
for trial.

4. Everyone who is deprived of his liberty by arrest or detention 40
shall be entitled to take proceedings by which the lawfulness of
his detention shall be decided speedily by a court and his release
ordered if the detention is not lawful.

5. Everyone who has been the victim of arrest or detention in con- 41
travention of the provisions of this article shall have an enforceable
right to compensation.

Article 6 42

1. In the determination of his civil rights and obligations or of any 43
criminal charge against him, everyone is entitled to a fair and public
hearing within a reasonable time by an independent and impartial

tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

44 2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.

45 3. Everyone charged with a criminal offence has the following minimum rights:

46 (a) to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;

47 (b) to have adequate time and facilities for the preparation of his defence;

48 (c) to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;

49 (d) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

50 (e) to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

51 **Article 7**

52 1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed.

ted. Nor shall a heavier penalty be imposed than the one that was applicable at the time the criminal offence was committed.

2. This article shall not prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognised by civilised nations. 53

Article 8 54

1. Everyone has the right to respect for his private and family life, his home and his correspondence. 55

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others. 56

Article 9 57

1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance. 58

2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others. 59

60 **Article 10**

61 1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

62 2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

63 **Article 11**

64 1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.

65 2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.

Article 12

66

Men and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of this right.

Article 13

68

Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.

Article 14

70

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Article 15

72

1. In time of war or other public emergency threatening the life of the nation any High Contracting Party may take measures derogating from its obligations under this Convention to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law.

2. No derogation from Article 2, except in respect of deaths resulting from lawful acts of war, or from Articles 3, 4 (paragraph 1) and 7 shall be made under this provision.

74

3. Any High Contracting Party availing itself of this right of derogation shall keep the Secretary-General of the Council of Europe fully informed of the measures which it has taken and the reasons therefor. It shall also inform the Secretary-General of the Council of Europe when such measures have ceased to operate and the provisions of the Convention are again being fully executed.

75

High Contracting Parties in the present Convention, there shall be set up:

(a) a European Commission of Human Rights, hereinafter referred to as “the Commission”;

85

(b) a European Court of Human Rights, hereinafter referred to as “the Court”.

86

76 **Article 16**

77 Nothing in Articles 10, 11, and 14 shall be regarded as preventing the High Contracting Parties from imposing restrictions on the political activity of aliens.

78 **Article 17**

79 Nothing in this Convention may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth herein or at their limitation to a greater extent than is provided for in the Convention.

80 **Article 18**

81 The restrictions permitted under this Convention to the said rights and freedoms shall not be applied for any purpose other than those for which they have been prescribed.

82 **Section II**

83 **Article 19**

84 To ensure the observance of the engagements undertaken by the

Section III

87

Article 20

88

*1

89

1. The Commission shall consist of a number of members equal to that of the High Contracting Parties. No two members of the Commission may be nationals of the same State.

90

2. The Commission shall sit in plenary session. It may, however, set up Chambers, each composed of at least seven members. The Chambers may examine petitions submitted under Article 25 of this Convention which can be dealt with on the basis of established case law or which raise no serious question affecting the interpretation or application of the Convention. Subject to this restriction and to the provisions of paragraph 5 of this article, the Chambers shall exercise all the powers conferred on the Commission by the Convention.

91

The member of the Commission elected in respect of a High Contracting Party against which a petition has been lodged shall have the right to sit on a Chamber to which the petition has been referred.

92

3. The Commission may set up committees, each composed of at

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¹Text amended according to the provisions of Protocol No. 8 (ETS No. 118) which entered into force on 1 January 1990.

least three members, with the power, exercisable by a unanimous vote, to declare inadmissible or strike from its list of cases a petition submitted under Article 25, when such a decision can be taken without further examination.

94 4. A chamber or committee may at any time relinquish jurisdiction in favour of the plenary Commission which may also order the transfer to it of any petition referred to a Chamber or committee.

95 5. Only the plenary Commission can exercise the following powers:

96 (a) the examination of applications submitted under Article 24;

97 (b) the bringing of a case before the Court in accordance with Article 48.a;

98 (c) the drawing up of rules of procedure in accordance with Article 36.

99 **Article 21**

100 *2

101 1. The members of the Commission shall be elected by the Committee of Ministers by an absolute majority of votes, from a list of names drawn up by the Bureau of the Consultative Assembly; each group of the Representatives of the High Contracting Parties in the Consultative Assembly shall put forward three candidates, of whom two at least shall be its nationals.

102 2. As far as applicable, the same procedure shall be followed to complete the Commission in the event of other States subsequently

²Text amended according to the provisions of Protocol No. 8 (ETS No. 118) which entered into force on 1 January 1990.

becoming Parties to this Convention, and in filling casual vacancies.

3. The candidates shall be of high moral character and must either 103 possess the qualifications required for appointment to high judicial office or be persons of recognised competence in national or international law.

Article 22 104

*3 105

1. The members of the Commission shall be elected for a period of 106 six years. They may be re-elected. However, of the members elected at the first election, the terms of seven members shall expire at the end of three years.

2. The members whose terms are to expire at the end of the initial 107 period of three years shall be chosen by lot by the Secretary-General of the Council of Europe immediately after the first election has been completed.

3. In order to ensure that, as far as possible, one half of the mem- 108 bership of the Commission shall be renewed every three years, the Committee of Ministers may decide, before proceeding to any subsequent election, that the term or terms of office of one or more members to be elected shall be for a period other than six years but not more than nine and not less than three years.

4. In cases where more than one term of office is involved and 109 the Committee of Ministers applies the preceding paragraph, the allocation of the terms of office shall be effected by the drawing of lots by the Secretary-General, immediately after the election.

5. A member of the Commission elected to replace a member whose 110

³Text amended according to the provisions of Protocol No. 5 (ETS No. 55) which entered into force on 20 December 1971.

term of office has not expired shall hold office for the remainder of his predecessor's term.

111 6. The members of the Commission shall hold office until replaced. After having been replaced, they shall continue to deal with such cases as they already have under consideration.

112 **Article 23**

113 *4

114 The members of the Commission shall sit on the Commission in their individual capacity. During their term of office they shall not hold any position which is incompatible with their independence and impartiality as members of the Commission or the demands of this office.

115 **Article 24**

116 Any High Contracting Party may refer to the Commission, through the Secretary-General of the Council of Europe, any alleged breach of the provisions of the Convention by another High Contracting Party.

117 **Article 25**

118 1. The Commission may receive petitions addressed to the Secretary-General of the Council of Europe from any person, non-governmental organisation or group of individuals claiming to be the victim of a violation by one of the High Contracting Parties of the rights set forth in this Convention, provided that the High Contracting Party against which the complaint has been lodged

⁴Same as footnote 1: Text amended according to the provisions of Protocol No. 8 (ETS No. 118) which entered into force on 1 January 1990.

has declared that it recognises the competence of the Commission to receive such petitions. Those of the High Contracting Parties who have made such a declaration undertake not to hinder in any way the effective exercise of this right.

2. Such declarations may be made for a specific period. 119

3. The declarations shall be deposited with the Secretary-General of the Council of Europe who shall transmit copies thereof to the High Contracting Parties and publish them. 120

4. The Commission shall only exercise the powers provided for in this article when at least six High Contracting Parties are bound by declarations made in accordance with the preceding paragraphs. 121

Article 26 122

The Commission 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. 123

Article 27 124

1. The Commission shall not deal with any petition submitted under Article 25 which: 125

(a) is anonymous, or 126

(b) is substantially the same as a matter which has already been examined by the Commission or has already been submitted to another procedure of international investigation or settlement and if it contains no relevant new information. 127

2. The Commission shall consider inadmissible any petition submitted under Article 25 which it considers incompatible with the 128

provisions of the present Convention, manifestly ill-founded, or an abuse of the right of petition.

129 3. The Commission shall reject any petition referred to it which it considers inadmissible under Article 26.

130 **Article 28**

131 *5

132 1. In the event of the Commission accepting a petition referred to it:

133 (a) it shall, with a view to ascertaining the facts, undertake together with the representatives of the parties an examination of the petition and, if need be, an investigation, for the effective conduct of which the States concerned shall furnish all necessary facilities, after an exchange of views with the Commission;

134 (b) it shall at the same time place itself at the disposal of the parties concerned with a view to securing a friendly settlement of the matter on the basis of respect for human rights as defined in this Convention.

135 2. If the Commission succeeds in effecting a friendly settlement, it shall draw up a report which shall be sent to the States concerned, to the Committee of Ministers and to the Secretary-General of the Council of Europe for publication. This report shall be confined to a brief statement of the facts and of the solution reached.

136 **Article 29**

137 *6

⁵Same as footnote 1: Text amended according to the provisions of Protocol No. 8 (ETS No. 118) which entered into force on 1 January 1990.

After it has accepted a petition submitted under Article 25, the Commission may nevertheless decide by a majority of two-thirds of its members to reject the petition if, in the course of its examination, it finds that the existence of one of the grounds for non-acceptance provided for in Article 27 has been established. 138

In such a case, the decision shall be communicated to the Parties. 139

Article 30 140

*7 141

1. The Commission may at any stage of the proceedings decide to strike a petition out of its list of cases where the circumstances lead to the conclusion that: 142

(a) the applicant does not intend to pursue his petition, or 143

(b) the matter has been resolved, or 144

(c) for any other reason established by the Commission, it is no longer justified to continue the examination of the petition. 145

However, the Commission shall continue the examination of a petition if respect for human rights as defined in this Convention so requires. 146

2. If the Commission decides to strike a petition out of its list after having accepted it, it shall draw up a report which shall contain a statement of the facts and the decision striking out the petition together with the reasons therefor. The report shall be transmitted to the Parties, as well as to the Committee of Ministers for information. The Commission may publish it. 147

⁶Text amended according to the provisions of Protocol No. 3 (ETS No. 45) which entered into force on 21 September 1970 and of Protocol No. 8 (ETS No. 118) which entered into force on 1 January 1990.

⁷Same as footnote 1: Text amended according to the provisions of Protocol No. 8 (ETS No. 118) which entered into force on 1 January 1990.

148 3. The Commission may decide to restore a petition to its list
of cases if it considers that the circumstances justify such a
149 course.

149 **Article 31**

150 *8

151 1. If the examination of a petition has not been completed in accor-
dance with Article 28 (paragraph 2), 29 or 30, the Commission shall
draw up a report on the facts and state its opinion as to whether
the facts found disclose a breach by the State concerned of its obli-
gations under the Convention. The individual opinions of members
of the Commission on this point may be stated in the report.

152 2. The report shall be transmitted to the Committee of Ministers.
It shall also be transmitted to the States concerned, who shall not
be at liberty to publish it.

153 3. In transmitting the report to the Committee of Ministers the
Commission may make such proposals as it thinks fit.

154 **Article 32**

155 1. If the question is not referred to the Court in accordance with
Article 48 of this Convention within a period of three months from
the date of the transmission of the report to the Committee of
Ministers, the Committee of Ministers shall decide by a majority of
two-thirds of the members entitled to sit on the Committee whether
there has been a violation of the Convention.

156 2. In the affirmative case the Committee of Ministers shall prescribe
a period during which the High Contracting Party concerned must

⁸Same as footnote 1: Text amended according to the provisions of Protocol
No. 8 (ETS No. 118) which entered into force on 1 January 1990.

take the measures required by the decision of the Committee of
Ministers.

3. If the High Contracting Party concerned has not taken satis- 157
factory measures within the prescribed period, the Committee of
Ministers shall decide by the majority provided for in paragraph 1
above what effect shall be given to its original decision and shall
publish the report.

4. The High Contracting Parties undertake to regard as binding on 158
them any decision which the Committee of Ministers may take in
application of the preceding paragraphs.

Article 33

The Commission shall meet “in camera”.

Article 34

*9

Subject to the provisions of Articles 20 (paragraph 3) and 29, the 163
Commission shall take its decisions by a majority of the members
present and voting.

Article 35

The Commission shall meet as the circumstances require. The 165
meetings shall be convened by the Secretary-General of the Council
of Europe.

167	Article 36	166	Article 40	177
	The Commission shall draw up its own rules of procedure.		*10	178
168	Article 37		1. The members of the Court shall be elected for a period of nine years. They may be re-elected. However, of the members elected at the first election the terms of four members shall expire at the end of three years, and the terms of four more members shall expire at the end of six years.	179
169	The Secretariat of The Commission shall be provided by the Secretary-General of the Council of Europe.		2. The members whose terms are to expire at the end of the initial periods of three and six years shall be chosen by lot by the Secretary-General immediately after the first election has been completed.	180
170	Section IV		3. In order to ensure that, as far as possible, one-third of the membership of the Court shall be renewed every three years, the Consultative Assembly may decide, before proceeding to any subsequent election, that the term or terms of office of one or more members to be elected shall be for a period other than nine years but not more than twelve and not less than six years.	181
171	Article 38		4. In cases where more than one term of office is involved and the Consultative Assembly applies the preceding paragraph, the allocation of the terms of office shall be effected by the drawing of lots by the Secretary-General, immediately after the election.	182
172	The European Court of Human Rights shall consist of a number of judges equal to that of the members of the Council of Europe. No two judges may be nationals of the same State.		5. A member of the Court elected to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term.	183
173	Article 39		6. The members of the Court shall hold office until replaced. After having been replaced, they shall continue to deal with such cases as they already have under consideration.	184
174	1. The members of the Court shall be elected by the Consultative Assembly by a majority of the votes cast from a list of persons nominated by the members of the Council of Europe; each member shall nominate three candidates, of whom two at least shall be its nationals.			
175	2. As far as applicable, the same procedure shall be followed to complete the Court in the event of the admission of new members of the Council of Europe, and in filling casual vacancies.			
176	3. The candidates shall be of high moral character and must either possess the qualifications required for appointment to high judicial office or be jurisconsults of recognised competence.			
	⁹ Same as footnote 1: Text amended according to the provisions of Protocol No. 8 (ETS No. 118) which entered into force on 1 January 1990.		¹⁰ Text amended according to the provisions of Protocol No. 5 (ETS No. 55) which entered into force on 20 December 1971 and of Protocol No. 8 (ETS No. 118) which entered into force on 1 January 1990.	

185 7. The members of the Court shall sit on the Court in their indi- 194
vidual capacity. During their term of office they shall not hold any
position which is incompatible with their independence and impar-
tiality as members of the Court or the demands of this office.

186 **Article 41**

187 *11

188 The Court shall elect its President and one or two Vice-Presidents
for a period of three years. They may be re-elected.

189 **Article 42**

190 The members of the Court shall receive for each day of duty a com-
pensation to be determined by the Committee of Ministers.

191 **Article 43**

192 *12

193 For the consideration of each case brought before it the Court shall
consist of a Chamber composed of nine judges. There shall sit as
an ex officio member of the Chamber the judge who is a national
of any State party concerned, or, if there is none, a person of its
choice who shall sit in the capacity of judge; the names of the other
judges shall be chosen by lot by the President before the opening
of the case.

Article 44

Only the High Contracting Parties and the Commission shall have 195
the right to bring a case before the Court.

Article 45 196

The jurisdiction of the Court shall extend to all cases concerning 197
the interpretation and application of the present Convention which
the High Contracting Parties or the Commission shall refer to it in
accordance with Article 48.

Article 46 198

1. Any of the High Contracting Parties may at any time declare 199
that it recognises as compulsory ipso facto and without special
agreement the jurisdiction of the Court in all matters concerning
the interpretation and application of the present Convention.

2. The declarations referred to above may be made unconditionally 200
or on condition of reciprocity on the part of several or certain other
High Contracting Parties or for a specified period.

3. These declarations shall be deposited with the Secretary-General 201
of the Council of Europe who shall transmit copies thereof to the
High Contracting Parties.

Article 47 202

The Court may only deal with a case after the Commission has 203

¹¹Same as footnote 1: Text amended according to the provisions of Protocol
No. 8 (ETS No. 118) which entered into force on 1 January 1990.

¹²Same as footnote 1: Text amended according to the provisions of Protocol
No. 8 (ETS No. 118) which entered into force on 1 January 1990.

acknowledged the failure of efforts for a friendly settlement and within the period of three months provided for in Article 32.

allows only partial reparation to be made for the consequences of this decision or measure, the decision of the Court shall, if necessary, afford just satisfaction to the injured party.

204 **Article 48**

205 The following may bring a case before the Court, provided that
the High Contracting Party concerned, if there is only one, or the
High Contracting Parties concerned, if there is more than one, are
subject to the compulsory jurisdiction of the Court or, failing that,
with the consent of the High Contracting Party concerned, if there
is only one, or of the High Contracting Parties concerned if there
is more than one:

206 (a) the Commission;

207 (b) a High Contracting Party whose national is alleged to be a
victim;

208 (c) a High Contracting Party which referred the case to the Com-
mission;

209 (d) a High Contracting Party against which the complaint has been
lodged.

210 **Article 49**

211 In the event of dispute as to whether the Court has jurisdiction,
the matter shall be settled by the decision of the Court.

212 **Article 50**

213 If the Court finds that a decision or a measure taken by a legal
authority or any other authority of a High Contracting Party is
completely or partially in conflict with the obligations arising from
the present Convention, and if the internal law of the said Party

Article 51

214

1. Reasons shall be given for the judgment of the Court. 215

2. If the judgment does not represent in whole or in part the unan- 216
imous opinion of the judges, any judge shall be entitled to deliver
a separate opinion.

Article 52

217

The judgment of the Court shall be final. 218

Article 53

219

The High Contracting Parties undertake to abide by the decision 220
of the Court in any case to which they are Parties.

Article 54

221

The judgment of the Court shall be transmitted to the Committee 222
of Ministers which shall supervise its execution.

Article 55

223

The Court shall draw up its own rules and shall determine its own 224
procedure.

Article 56

225

1. The first election of the members of the Court shall take place 226

after the declarations by the High Contracting Parties mentioned in Article 46 have reached a total of eight.		
227 2. No case can be brought before the Court before this election.		
228 Section V		
229 Article 57		
230 On receipt of a request from the Secretary-General of the Council of Europe any High Contracting Party shall furnish an explanation of the manner in which its internal law ensures the effective implementation of any of the provisions of the Convention.		
231 Article 58		
232 The expenses of the Commission and the Court shall be borne by the Council of Europe.		
233 Article 59		
234 The members of the Commission and of the Court shall be entitled, during the discharge of their functions, to the privileges and immunities provided for in Article 40 of the Statute of the Council of Europe and in the agreements made thereunder.		
235 Article 60		
236 Nothing in this Convention shall be construed as limiting or derogating from any of the human rights and fundamental freedoms which may be ensured under the laws of any High Contracting Party or under any other agreement to which it is a Party.		
	Article 61	237
	Nothing in this Convention shall prejudice the powers conferred on the Committee of Ministers by the Statute of the Council of Europe.	238
	Article 62	239
	The High Contracting Parties agree that, except by special agreement, they will not avail themselves of treaties, conventions or declarations in force between them for the purpose of submitting, by way of petition, a dispute arising out of the interpretation or application of this Convention to a means of settlement other than those provided for in this Convention.	240
	Article 63	241
	1. Any State may at the time of its ratification or at any time thereafter declare by notification addressed to the Secretary-General of the Council of Europe that the present Convention shall extend to all or any of the territories for whose international relations it is responsible.	242
	2. The Convention shall extend to the territory or territories named in the notification as from the thirtieth day after the receipt of this notification by the Secretary-General of the Council of Europe.	243
	3. The provisions of this Convention shall be applied in such territories with due regard, however, to local requirements.	244
	4. Any State which has made a declaration in accordance with paragraph 1 of this article may at any time thereafter declare on behalf of one or more of the territories to which the declaration	245

relates that it accepts the competence of the Commission to receive petitions from individuals, non-governmental organisations or groups of individuals in accordance with Article 25 of the present Convention.

visions of the preceding paragraphs in respect of any territory to which it has been declared to extend under the terms of Article 63.

246 **Article 64**

247 1. Any State may, when signing this Convention or when depositing its instrument of ratification, make a reservation in respect of any particular provision of the Convention to the extent that any law then in force in its territory is not in conformity with the provision. Reservations of a general character shall not be permitted under this article.

248 2. Any reservation made under this article shall contain a brief statement of the law concerned.

249 **Article 65**

250 1. A High Contracting Party may denounce the present Convention only after the expiry of five years from the date on which it became a party to it and after six months' notice contained in a notification addressed to the Secretary-General of the Council of Europe, who shall inform the other High Contracting Parties.

251 2. Such a denunciation shall not have the effect of releasing the High Contracting Party concerned from its obligations under this Convention in respect of any act which, being capable of constituting a violation of such obligations, may have been performed by it before the date at which the denunciation became effective.

252 3. Any High Contracting Party which shall cease to be a member of the Council of Europe shall cease to be a Party to this Convention under the same conditions.

253 4. The Convention may be denounced in accordance with the pro-

Article 66

254

1. This Convention shall be open to the signature of the members of the Council of Europe. It shall be ratified. Ratifications shall be deposited with the Secretary-General of the Council of Europe.

255

2. The present Convention shall come into force after the deposit of ten instruments of ratification.

256

3. As regards any signatory ratifying subsequently, the Convention shall come into force at the date of the deposit of its instrument of ratification.

257

4. The Secretary-General of the Council of Europe shall notify all the members of the Council of Europe of the entry into force of the Convention, the names of the High Contracting Parties who have ratified it, and the deposit of all instruments of ratification which may be effected subsequently.

258

Done at Rome this 4th day of November 1950, in English and French, both texts being equally authentic, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary-General shall transmit certified copies to each of the signatories.

259

**Protocol No. 2 to the Convention for the Protection
of of Human Rights and Fundamental Freedoms,
Conferring Upon The European Court of Human
Rights Competence to give Advisory Opinions
[Strasbourg, 6.V.1963]**

Preamble

The member States of the Council of Europe signatory hereto,

Having regard to the provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms signed at Rome on 4th November 1950 (hereinafter referred to as “the Convention”) and, in particular, Article 19 instituting, among other bodies, a European Court of Human Rights (hereinafter referred to as “the Court”);

Considering that it is expedient to confer upon the Court competence to give advisory opinions subject to certain conditions,

Have agreed as follows:

Article 1

1. The Court may, at the request of the Committee of Ministers, give advisory opinions on legal questions concerning the interpretation of the Convention and the Protocols thereto.

2. Such opinions shall not deal with any question relating to the content or scope of the rights or freedoms defined in Section 1 of the Convention and in the Protocols thereto, or with any other question which the Commission, the Court or the Committee of Ministers might have to consider in consequence of any such proceedings as could be instituted in accordance with the Convention.

3. Decisions of the Committee of Ministers to request an advisory

opinion of the Court shall require a two-thirds majority vote of the representatives entitled to sit on the Committee.

Article 2

The Court shall decide whether a request for an advisory opinion submitted by the Committee of Ministers is within its consultative competence as defined in Article 1 of this Protocol.

Article 3

1. For the consideration of requests for an advisory opinion, the Court shall sit in plenary session.

2. Reasons shall be given for advisory opinions of the Court.

3. If the advisory opinion does not represent in whole or in part the unanimous opinion of the judges, any judge shall be entitled to deliver a separate opinion.

4. Advisory opinions of the Court shall be communicated to the Committee of Ministers.

Article 4

The powers of the Court under Article 55 of the Convention shall extend to the drawing up of such rules and the determination of such procedure as the Court may think necessary for the purposes of this Protocol.

Article 5

1. This Protocol shall be open to signature by member States of the Council of Europe, signatories to the Convention, who may become Parties to it by:

281 (a) signature without reservation in respect of ratification or accep-
tance;

282 (b) signature with reservation in respect of ratification or accep-
tance, followed by ratification or acceptance. Instruments of ratifi-
cation or acceptance shall be deposited with the Secretary-General
of the Council of Europe.

283 2. This Protocol shall enter into force as soon as all States Parties
to the Convention shall have become Parties to the Protocol, in
accordance with the provisions of paragraph 1 of this Article.

284 3. From the date of the entry into force of this Protocol, Articles 1
to 4 shall be considered an integral part of the Convention.

285 4. The Secretary-General of the Council of Europe shall notify the
member States of the Council of:

286 (a) any signature without reservation in respect of ratification or
acceptance;

287 (b) any signature with reservation in respect of ratification or ac-
ceptance;

288 (c) the deposit of any instrument of ratification or acceptance;

289 (d) the date of entry into force of this Protocol in accordance with
paragraph 2 of this Article.

290 **Recitals**

291 In witness whereof, the undersigned, being duly authorised thereto,
have signed this Protocol.

292 Done at Strasbourg, this 6th day of May 1963, in English and in
French, both texts being equally authoritative, in a single copy
which shall remain deposited in the archives of the Council of Eu-
rope. The Secretary-General shall transmit certified copies to each
of the signatory States.

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