

Protocol No. 7

Procedural safeguards relating to expulsion of aliens (Article 1)

This guarantees that **an individual non-national lawfully resident in the territory of a State shall not be expelled except by a lawful decision and subject to a right:**

- ▶ to submit reasons against his or her expulsion;
- ▶ to have his or her case reviewed;
- ▶ to be represented for this purpose before the competent authority.

“Expulsion” does not cover extradition. It does not prohibit expulsion of individuals, but only gives certain procedural safeguards.

However, in exceptional cases where the expulsion is necessary in the interests of public order or is grounded on reasons of national security, an individual may be expelled before the exercise of his procedural rights guaranteed by Article 1 of this Protocol.

Right of appeal in criminal matters (Article 2)

This guarantees that **everyone convicted of a criminal offence by a tribunal shall have the right to have his or her conviction or sentence reviewed by a higher tribunal.**

States have a lot of discretion on how this provision is implemented so long as they do not destroy the essence of the right.

Compensation for wrongful conviction (Article 3)

This only gives a right of compensation where a conviction has been overturned or a pardon granted because new or newly discovered facts show conclusively that there has been a miscarriage of justice.

Right not to be tried or punished twice (Article 4)

This prohibits trying or punishing someone again for an offence of which he or she has already been acquitted or convicted. There are exceptions under paragraph 2 if new or newly discovered facts arise or there was a fundamental defect in the earlier proceedings.

Equality between spouses (Article 5)

This gives spouses equal rights under private law between them and in their relations with their children during a marriage and in the event of its dissolution. It does not prevent the State from taking measures to protect children.

The complete toolkit: <http://echr-toolkit.coe.int>

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