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# CONSEIL DE L'EUROPE - COUNCIL OF EUROPE

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Strasbourg, 6th March, 1950.

Confidential  
CM/WP 1 (50) 10

COMMITTEE OF EXPERTS ON HUMAN RIGHTS

2nd Session

Amended text to Articles of British draft.

Proposed by the Drafting Committee (Sir Oscar Dowson and MM. Le Quesne, Dons Moeller and Salen.)

Article 7

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

- (a) the lawful detention of a person after conviction by a competent court;
- (b) the lawful arrest and 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;
- (c) the lawful arrest and 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 which is reasonably considered to be necessary to prevent his committing a crime, or fleeing after having done so;
- (d) the lawful detention of minors by lawful order for the purpose of educational supervision;
- (e) the lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholic or drug addicts or vagrants;

(f) the lawful arrest and detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom deportation or extradition proceedings are pending.

2. Anyone who is arrested shall be informed promptly, in a language he understands, of the reasons for his arrest and of any charges against him.

3. Anyone arrested or detained on the charge of having committed a crime or to prevent his committing a crime 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 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.

#### Article 8

1. In the determination of any criminal charge against him or of his rights and obligations in a suit at law everyone is entitled to a fair and public hearing by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the Press or public may be excluded from all or part of the trial to the extent strictly necessary in the opinion of the court, in the interests of morals, public order or national security, or where, in the special circumstances of the case, publicity would prejudice the interests of justice.

2. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law.

3. In the determination of any criminal charge against him, everyone is entitled:

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

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

- (c) to defend himself in person or through legal assistance of his own choosing and, if he has not sufficient means to pay for such assistance, to be given it free when the interests of justice so require;
- (d) to examine or have examined the witnesses against him and to obtain compulsory attendance of witnesses on his behalf;
- (e) to have free assistance of an interpreter if he cannot understand or speak the language used in court.

#### Article 9

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

2. Nothing in this Article shall prejudice the trial and punishment of any person for any act or omission which, at the time it was committed, was criminal according to the general principles of law recognised by civilised nations.

#### Article 10

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 teaching, practice, worship and observance.

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 the interests of public safety, or for the protection of public order, health, or morals, or for the protection of the rights and freedoms of others, provided that nothing in this Convention may be considered as derogating from already existing national rules as regards religious institutions and foundations, or membership of certain confessions.

#### Article 11

1. Everyone shall have the right to freedom of expression without governmental interference; these rights shall include freedom to hold opinions and to receive and impart information

and ideas without governmental interference regardless of frontiers, either orally, in writing or in print, in the form of art or by duly licensed visual or auditory devices.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such penalties, liabilities and restrictions as are prescribed by law and are necessary 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 reputations or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

#### Article 12

1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others.

2. No restrictions shall be placed on the exercise of this right other than such as are prescribed by law and are necessary in the interests of national security, public safety or 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; provided that this Article shall not prevent the imposition of lawful restrictions on the exercise of this right by members of the armed forces, the police or the administration of the State.

#### Article 13

1. Men and women of full age have the right to marry and found a family.

2. Each State party hereto shall be entitled to establish rules governing the exercise of these rights.

#### Article 14

1. All are equal before the law.

2. Everyone shall be accorded all the rights and freedoms defined in this Convention without discrimination on any grounds 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

Nothing in this Convention shall be construed as limiting or derogating from any of the rights and freedoms which may be guaranteed under the laws of any State party to the Conventions or under any other agreement to which it is a party.