



Protocol No. 9 to the Convention for the Protection of Human Rights and Fundamental Freedoms^{*}

Rome, 6.XI.1990

The member States of the Council of Europe, signatories to this Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms, signed at Rome on 4 November 1950 (hereinafter referred to as "the Convention"),

Being resolved to make further improvements to the procedure under the Convention,

Have agreed as follows:

Article 1

For Parties to the Convention which are bound by this Protocol, the Convention shall be amended as provided in Articles 2 to 5.

Article 2

Article 31, paragraph 2, of the Convention shall read as follows:

"2 The Report shall be transmitted to the Committee of Ministers. The Report shall also be transmitted to the States concerned and, if it deals with a petition submitted under Article 25, the applicant. The States concerned and the applicant shall not be at liberty to publish it."

Article 3

Article 44 of the Convention shall read as follows:

"Only the High Contracting Parties, the Commission, and persons, non-governmental organisations or groups of individuals having submitted a petition under Article 25 shall have the right to bring a case before the Court."

Article 4

Article 45 of the Convention shall read as follows:

"The jurisdiction of the Court shall extend to all cases concerning the interpretation and application of the present Convention which are referred to it in accordance with Article 48."

(*) This Protocol has been repealed as from the date of entry into force of Protocol No. 11 (ETS No. 155) on 1 November 1998.

Article 5

Article 48 of the Convention shall read as follows:

"1 The following may refer a case to 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:

- a the Commission;
- b a High Contracting Party whose national is alleged to be a victim;
- c a High Contracting Party which referred the case to the Commission;
- d a High Contracting Party against which the complaint has been lodged;
- e the person, non-governmental organisation or group of individuals having lodged the complaint with the Commission.

2 If a case is referred to the Court only in accordance with paragraph 1.e, it shall first be submitted to a panel composed of three members of the Court. There shall sit as an *ex officio* member of the panel the judge elected in respect of the High Contracting Party against which the complaint has been lodged, or, if there is none, a person of its choice who shall sit in the capacity of judge. If the complaint has been lodged against more than one High Contracting Party, the size of the panel shall be increased accordingly.

If the case does not raise a serious question affecting the interpretation or application of the Convention and does not for any other reason warrant consideration by the Court, the panel may, by a unanimous vote, decide that it shall not be considered by the Court. In that event, the Committee of Ministers shall decide, in accordance with the provisions of Article 32, whether there has been a violation of the Convention."

Article 6

- 1 This Protocol shall be open for signature by member States of the Council of Europe signatories to the Convention, which may express their consent to be bound by:
 - a signature without reservation as to ratification, acceptance or approval, or
 - b signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval.
- 2 The instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

Article 7

- 1 This Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date on which ten member States of the Council of Europe have expressed their consent to be bound by the Protocol in accordance with the provisions of Article 6.

- 2 In respect of any member State which subsequently expresses its consent to be bound by it, the Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date of signature or of the deposit of the instrument of ratification, acceptance or approval.

Article 8

The Secretary General of the Council of Europe shall notify all the member States of the Council of Europe of:

- a any signature;
- b the deposit of any instrument of ratification, acceptance or approval;
- c any date of entry into force of this Protocol in accordance with Article 7;
- d any other act, notification or declaration relating to this Protocol.

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

Done at Rome, this 6th day of November 1990, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe.