



SUMMARIES OF THE COUNCIL OF EUROPE TREATIES

The summaries available hereunder are designed to meet a practical need, that of supplying the public at large with concise descriptions of the Council of Europe treaties. The summaries are necessarily short and can therefore only give a first introduction to the main features of each treaty.

Subject-matter: **HUMAN RIGHTS – CONVENTION AND PROTOCOLS ONLY**

Convention for the Protection of Human Rights and Fundamental Freedoms ([ETS No. 5](#)), open for signature, in Rome, on 4 November 1950.

Entry into force: 3 September 1953.

The "European Convention on Human Rights" sets forth a number of fundamental rights and freedoms (right to life, prohibition of torture, prohibition of slavery and forced labour, right to liberty and security, right to a fair trial, no punishment without law, right to respect for private and family life, freedom of thought, conscience and religion, freedom of expression, freedom of assembly and association, right to marry, right to an effective remedy, prohibition of discrimination). More rights are granted by additional protocols to the Convention (Protocols 1 (ETS No. 9), 4 (ETS No. 46), 6 (ETS No. 114), 7 (ETS No. 117), 12 (ETS No. 177), 13 (ETS No. 187), 14 (CETS No. 194), 15 (CETS No. 213) and 16 (CETS No. 214)).

Parties undertake to secure these rights and freedoms to everyone within their jurisdiction. The Convention also establishes an international enforcement machinery. To ensure the observance of the engagements undertaken by the Parties, the European Court of Human Rights in Strasbourg has been set up. It deals with individual and inter-State petitions. At the request of the Committee of Ministers of the Council of Europe, the Court may also give advisory opinions concerning the interpretation of the Conventions and the protocols thereto. The Committee of Ministers has also a power to ask the Court for an interpretation of a judgment.

The parties to a case must abide by the judgments of the Court and take all necessary measures to comply with them. The Committee of Ministers supervises the execution of judgments. The Secretary General may request Parties to provide explanations on the manner in which their domestic law ensures the effective implementation of the Convention.

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Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms ([ETS No. 9](#)), open for signature, in Paris, on 20 March 1952.

Entry into force: 18 May 1954.

The Additional Protocol to the Convention (ETS No. 5) adds new fundamental rights to those protected under the Convention, namely: the right to peaceful enjoyment of property, the right to education and the right to free elections by secret ballot.

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Protocol No. 2 to the Convention for the Protection of Human Rights and Fundamental Freedoms, conferring upon the European Court of Human Rights competence to give advisory opinions ([ETS No. 44](#)), open for signature, in Strasbourg, on 6 May 1963.

Entry into force: 21 September 1970.

Protocol No. 2 to the Convention confers upon the European Court of Human Rights competence to give advisory opinions.

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Protocol No. 3 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending Articles 29, 30 and 34 of the Convention ([ETS No. 45](#)), open for signature, in Strasbourg, on 6 May 1963.

Entry into force: 21 September 1970.

This Protocol modifies Articles 29, 30 and 34 of the Convention (*numbering in force prior to 1 November 1998*).

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Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms, securing certain rights and freedoms other than those already included in the Convention and in the first Protocol thereto ([ETS No. 46](#)), open for signature, in Strasbourg, on 16 September 1963.

Entry into force: 2 May 1968.

This Protocol secures certain rights and fundamental freedoms not included in previous texts: no deprivation of liberty for non-fulfilment of contractual obligations, right to liberty of movement and freedom to choose one's residence, prohibition of a State's expulsion of a national, prohibition of collective expulsion of aliens.

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Protocol No. 5 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending Articles 22 and 40 of the Convention ([ETS No. 55](#)), open to signature, in Strasbourg, on 20 January 1966.

Entry into force: 20 December 1971.

This Protocol modifies Articles 22 and 40 of the Convention relating to the term of office of Members to be elected (*numbers in force prior to 1 November 1998*).

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Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the Abolition of the Death Penalty ([ETS No. 114](#)), open for signature, in Strasbourg, on 28 April 1983.

Entry into force: 1 March 1985.

The Sixth Protocol covers the abolition of the death penalty, notably in time of war.

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Protocol No. 7 to the Convention for the Protection of Human Rights and Fundamental Freedoms ([ETS No. 117](#)), open for signature, in Strasbourg, on 22 November 1984.

Entry into force: 1 November 1988.

Protocol No. 7 extends the list of rights protected under the Convention and its Protocols Nos. 1, 4 and 6 to include the following:

- The right of aliens to procedural guarantees in the event of expulsion from the territory of a State;

- The right of a person convicted of a criminal offence to have the conviction of sentence reviewed by a higher tribunal;
- The right to compensation in the event of a miscarriage of justice;
- The right not to be tried or punished in criminal proceedings for an offence for which one has already been acquitted or convicted (*ne bis in idem*);
- Equality of rights and responsibilities as between spouses.

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Protocol No. 8 to the Convention for the Protection of Human Rights and Fundamental Freedoms ([ETS No. 118](#)), open for signature, in Vienna, on 19 March 1985.

Entry into force: 1 January 1990.

This Protocol gives to the European Commission of Human Rights the possibility to set up Chambers, each composed of at least seven members to examine individual petitions 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.

This Protocol provides, too, that the Commission may set up committees, each composed of at least three members, with the power, exercisable by a unanimous vote, to declare inadmissible or strike from its list of cases a petition when such a decision can be taken without further examination.

These provisions do not apply to petitions from States.

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Protocol No. 9 to the Convention for the Protection of Human Rights and Fundamental Freedoms ([ETS No. 140](#)), open for signature, in Rome, on 6 November 1990.

Entry into force: 1 October 1994.

The Ninth Protocol affords an applicant the right to refer a case to the Court in certain circumstances.

Under Article 25 of the Convention, any person claiming to be the victim of a violation of human rights may make an application to the European Commission of Human Rights against the State responsible. If the Commission, having declared the application admissible, fails to secure a friendly settlement, it draws up a report on the facts stating its opinion as to whether there has been a breach of the Convention. Under the original Convention scheme, only the Commission and States concerned can refer cases to the Court, provided that the State against which the complaint has been lodged has recognised the jurisdiction of the Court. This Protocol enables an applicant whose petition has been the subject of a report by the Commission to request the Court to deal with the case, regardless of whether the Commission or the State concerned have referred the case to the Court.

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Protocol No. 10 to the Convention for the Protection of Human Rights and Fundamental Freedoms ([ETS No. 146](#)), open for signature, in Strasbourg, on 25 March 1992.

Entry into force: //

This Protocol is closed to legal acts since the entry into force of Protocol No. 11 to the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 155), on 1 November 1998.

The Tenth Protocol aims at improving the Convention's supervision procedures. It changes the rule on the majority required when the Committee of Ministers is called upon to vote on whether the Convention has been violated in cases not referred to the European Court of Human Rights.

It replaces the two-thirds majority provided for in Article 32 of the Convention by a simple majority of member States.

When the new Protocol enters into force, the Committee of Ministers will take decisions relating to its judicial functions under Article 32 of the Convention by simple majority.

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Protocol No. 11 to the Convention for the Protection of Human Rights and Fundamental Freedoms, restructuring the control machinery established thereby ([ETS No. 155](#)), open for signature, in Strasbourg, on 11 May 1994.

Entry into force: 1 November 1998.

Protocol No. 11 aims to rationalise the machinery for enforcement of rights and liberties guaranteed by the Convention. All alleged violations of the rights of persons are referred directly to the new permanent Court. In the majority of cases, the Court will sit in Chambers of seven judges. The Court deals with individual and inter-State petitions.

Manifestly ill-founded cases may be declared inadmissible by unanimous vote of a committee of three judges. If the Court declares the application admissible, it will pursue the examination of the case, together with the representatives of the parties, and, if need be, will undertake an investigation. It will also place itself at the disposal of the parties with a view to securing a friendly settlement of the matter on the basis of respect for human rights as defined in the Convention and the protocols thereto.

Within a period of three months from the date of the judgment of the Chamber, any party to the case may, in exceptional cases (serious questions affecting the interpretation or application of the Convention or the protocols thereto, or serious issues of general importance), request that the case be referred to the Grand Chamber. If the request is accepted, the resulting judgment of the Grand Chamber will be final. Otherwise, judgments of Chambers will become final when the parties declare that they will not request that the case be referred to the Grand Chamber or have made no request for reference three months after the date of the judgment; or, if such a request is made, when the panel of the Grand Chamber rejects the request to refer.

The Committee of Ministers is no longer empowered to deal with the merits of cases, although it maintains its important role of ensuring that governments comply with the Court's judgments.

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Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms ([ETS No. 177](#)), open for signature, in Rome, on 4 November 2000.

Entry into force: 1 April 2005.

Protocol No. 12 provides for a general prohibition of discrimination. The current non-discrimination provision of the European Convention on Human Rights is of a limited kind because it only prohibits discrimination in the enjoyment of one or the other rights guaranteed by the Convention (*Article 14 – Prohibition of discrimination : "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."*).

The Protocol removes this limitation and guarantees that no-one shall be discriminated against on any ground by any public authority.

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Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty in all circumstances ([ETS No. 187](#)), open for signature, in Vilnius, on 3 May 2002.

Entry into force: 1 July 2003.

This Protocol is banning the death penalty in all circumstances, including for crimes committed in times of war and imminent threat of war.

No derogation or reservation is allowed to Protocol No. 13.

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Protocol No. 14 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending the control system of the Convention ([CETS No. 194](#)), open for signature, in Strasbourg, on 13 May 2004.

Entry into force: 1 June 2010.

This Protocol aims to make the changes such as the introduction of a new admissibility criterion, the treatment of repetitive cases or clearly inadmissible cases, for a more satisfactory operation of the European Court of Human Rights.

Under the Protocol the Committee of Ministers will be empowered, if it decides by a two-thirds majority to do so, to bring proceedings before the Court where a State refuses to comply with a judgment. The Committee of Ministers will also have a new power to ask the Court for an interpretation of a judgment. This is to assist the Committee of Ministers in its task of supervising the execution of judgments and particularly in determining what measures may be necessary to comply with a judgment.

Other measures in the Protocol include changing the judges' term of office to a single, nine year term, and a provision allowing the accession by the European Union to the Convention.

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Protocol No. 14bis to the Convention for the Protection of Human Rights and Fundamental Freedoms ([CETS No. 204](#)), open for signature, in Strasbourg, on 27 May 2009.

Entry into force: 1 October 2009.

Protocol No. 14bis allowed, pending the entry into force of Protocol No. 14, the application of two procedural elements of Protocol No. 14 with respect to those States that expressed their consent:

- a single judge will be able to reject manifestly inadmissible applications.
- the competence of three-judge committees is extended to declare applications admissible and decide on their merits where there already was a well-established case law of the Court.

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Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms ([CETS No. 213](#)), open for signature, in Strasbourg, on 24 June 2013.

Entry into force: 1 August 2021.

To maintain the effectiveness of the European Court of Human Rights, this Protocol makes the following changes to the Convention:

- Adding a reference to the principle of subsidiarity and the doctrine of the margin of appreciation to the Preamble of the Convention;
- Shortening from six to four months the time limit within which an application must be made to the Court;
- Amending the 'significant disadvantage' admissibility criterion to remove the second safeguard preventing rejection of an application that has not been duly considered by a domestic tribunal;
- Removing the right of the parties to a case to object to relinquishment of jurisdiction over it by a Chamber in favour of the Grand Chamber;
- Replacing the upper age limit for judges by a requirement that candidates for the post of judge be less than 65 years of age at the date by which the list of candidates has been requested by the Parliamentary Assembly.

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Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms ([CETS No. 214](#)), open for signature, in Strasbourg, on 2 October 2013.

Entry into force: 1 August 2018.

Protocol No. 16 allows the highest courts and tribunals of a High Contracting Party, as specified by the latter, to request the European Court of Human Rights to give advisory opinions on questions of principle relating to the interpretation or application of the rights and freedoms defined in the Convention or the Protocols thereto.