



## **Second Protocol to the General Agreement on Privileges and Immunities of the Council of Europe<sup>\*</sup>**

Paris, 15.XII.1956

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The governments signatory hereto, being members of the Council of Europe,

Considering that, under the terms of Article 59 of the Convention for the Protection of Human Rights and Fundamental Freedoms, signed at Rome on 4th November, 1950, the members of the European Commission of Human Rights (hereinafter referred to as "the Commission") are 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;

Considering that it is necessary to specify and define the said privileges and immunities in a Protocol to the General Agreement on Privileges and Immunities of the Council of Europe, signed at Paris on 2nd September, 1949,

Have agreed as follows:

### **Article 1**

The members of the Commission shall, while exercising their functions and during their journeys to and from their place of meeting, enjoy the following privileges and immunities:

- a immunity from personal arrest or detention and from seizure of their personal baggage, and, in respect of words spoken or written and all acts done by them in their official capacity, immunity from legal process of every kind;
- b inviolability for all papers and documents;
- c exemption in respect of themselves and their spouses from immigration restrictions or aliens registration in the State which they are visiting or through which they are passing in the exercise of their functions.

### **Article 2**

- 1 No administrative or other restrictions shall be imposed on the free movement of members of the Commission to and from the place of meeting of the Commission.
- 2 Members of the Commission shall, in the matter of customs and exchange control, be accorded:

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(\*) The Second Protocol contains provisions in respect of the members of the European Commission of Human Rights. The Commission's mandate has expired on 31 October 1998. It is no longer necessary to sign or ratify the Protocol.

- a by their own government, the same facilities as those accorded to senior officials travelling abroad on temporary official duty;
- b by the governments of other members, the same facilities as those accorded to representatives of foreign governments on temporary official duty.

### **Article 3**

In order to secure for the members of the Commission complete freedom of speech and complete independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer engaged in the discharge of such duties.

### **Article 4**

Privileges and immunities are accorded to the members of the Commission, not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions. The Commission alone shall be competent to waive the immunity of its members; it has not only the right, but is under a duty, to waive the immunity of one of its members in any case where, in its opinion, the immunity would impede the course of justice, and where it can be waived without prejudice to the purpose for which the immunity is accorded.

### **Article 5**

This Protocol shall be open to the signature of the members of the Council of Europe who may become Parties to it either by:

- a signature without reservation in respect of ratification or by;
- b signature with reservation in respect of ratification followed by ratification.

Instruments of ratification shall be deposited with the Secretary General of the Council of Europe.

### **Article 6**

- 1 This Protocol shall enter into force as soon as three members of the Council of Europe shall, in accordance with Article 5, have signed it without reservation in respect of ratification or shall have ratified it.
- 2 As regards any member subsequently signing it without reservation in respect of ratification, or ratifying it, this Protocol shall enter into force at the date of signature or deposit of the instrument of ratification.

### **Article 7**

The Secretary General of the Council of Europe shall notify members of the Council of the date of entry into force of this Protocol and shall give the names of any members who have signed it without reservation in respect of ratification or who have ratified it.

In witness whereof the undersigned, being duly authorised to that effect, have signed the present Protocol.

Done at Paris, this 15th day of December 1956, 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 Europe. The Secretary General shall send certified copies to each of the signatory governments.