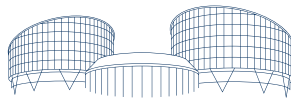




THE EUROPEAN CONVENTION ON HUMAN RIGHTS

A
LIVING
INSTRUMENT



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

The European Convention on Human Rights

A living instrument

Seán Keefe

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French edition

La Convention européenne des droits de l'homme – Un instrument vivant

This document was prepared by the Court's Public Relations Unit. It is designed to set out in simplified form the rights contained in the European Convention on Human Rights and is intended for purely educational purposes.

The legally authoritative documents are the official versions of the Convention in French and in English.

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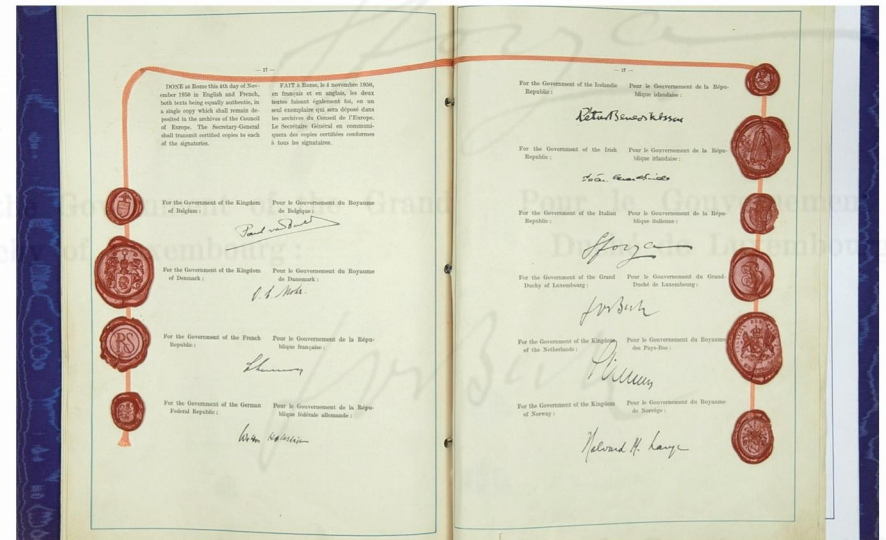
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The importance of the European Convention lies in the scope of the rights and freedoms that it protects, but also in the system that it has established by creating the European Court of Human Rights, with its task of supervising the fulfilment by the States of their undertakings; a system in which individuals may bring their case against the State when their rights and freedoms have been flouted.

The European Convention on Human Rights

The European Convention on Human Rights, signed in Rome on 4 November 1950, was the first instrument to crystallise and give binding effect to the rights set out in the Universal Declaration of Human Rights. It lays down absolute rights which can never be breached by the States, such as the right to life or the prohibition of torture, and it protects certain rights and freedoms which can only be restricted by law when necessary in a democratic society, for example the right to liberty and security or the right to respect for private and family life.

A number of rights have been added to the initial text with the adoption of additional protocols, concerning in particular the abolition of the death penalty, the protection of property, the right to free elections or freedom of movement.



The European Court of Human Rights

The European Court of Human Rights, judicial organ of the Council of Europe, examines applications from individuals, but also inter-State applications, lodged by a State against another State party to the Convention. Currently 47 countries have undertaken to secure fundamental rights and freedoms, not only to their nationals but to everyone, even non-Europeans, within their jurisdiction.

Case-law

The Court's case-law is rich and relates to many different subjects. The Convention violation most often found by the Court concerns the right to a fair hearing, because of a lack of fairness or excessively lengthy proceedings. The right to liberty and security and the right to the protection of property also frequently give rise to findings of violations.

The Court has ruled on many societal issues such as abortion, assisted suicide, body searches, domestic slavery, adoption by homosexuals, the wearing of religious symbols in schools, the protection of journalists' sources, or the retention of DNA data.

Impact of the Convention

The reason for the significant impact of the Court's work is the binding force of its judgments. A State which is found to have committed a violation will be required to provide redress for the damage sustained by the applicant and, as far as possible, remedy any consequences of the violation. The State must also make sure that no similar violation occurs, in other words that nobody else is a victim of the violation found. In practice this often gives rise to a change in legislation.



By amending their legislation or practice to bring them into line with the Convention, the States allow everyone to benefit from the further development of human rights protection. A single judgment may thus have an impact on the whole population of a State. Supervision of the execution of a judgment lies in the hands of the Committee of Ministers, the executive organ of the Council of Europe.

Examples of changes resulting from the Court's judgments:

- **Cyprus** abolished the criminal offence of homosexual relations between consenting adults,
- membership of a union is no longer an obligation in **Denmark**,
- **France** recognises an equality of succession rights between legitimate children and children born out of wedlock,
- the **United Kingdom** prohibited corporal punishment in State schools,
- **Switzerland** enacted a law to regulate phone tapping,
- and many States have introduced remedies to enable people to complain about unreasonably lengthy proceeding.

The Convention, a modern instrument

What gives the Convention its strength and makes it extremely modern is the way the Court interprets it: dynamically, in the light of present-day conditions. By its case-law the Court has extended the rights set out in the Convention, such that its provisions apply today to situations that were totally unforeseeable and unimaginable at the time it was first adopted, including issues related to new technologies, bioethics or the environment. The Convention also applies to societal or sensitive questions relating, for example, to terrorism or migration.

Reforms of the Convention system

Since it was set up in 1959 the Court has completed the examination of some 910,000 applications, whether by delivering a judgment or a decision, or by striking the case out of its list.

Faced with an increasing volume of cases, the member States of the Council of Europe have adopted various Protocols to the Convention for the purpose of improving and strengthening the supervisory mechanism initially created. New judicial formations have thus been introduced to deal with the most straightforward cases.

In parallel the Court has also reformed its working methods in order to boost its efficiency and streamline its resources. For example, it has put in place the pilot judgment procedure to deal with the massive influx of applications concerning similar issues, also known as systemic issues, resulting from the non-compliance of domestic law with the Convention.

It has also adopted a prioritisation policy which takes account of the importance and urgency of the questions raised in order to decide on the order in which applications are processed.

The Convention arose out of the determination of the signatory States to consign to history the atrocities of the Second World War. In 1949 ten States set up the Council of Europe, to guarantee respect for human rights, democracy and the rule of law throughout Europe. The following year twelve States adopted the Convention, thereby creating a Court with the task of ensuring that they fulfilled their undertakings – an international court which would have jurisdiction to find against them and oblige them to amend their legislation.

Today more than ever the Convention is the cornerstone of the Council of Europe, and any State wishing to become a member of the Organisation must sign and ratify it. The Court's case-law is followed by the national courts of States throughout the European continent; it is also cited by many courts even beyond the boundaries of Europe.



Appendix 1: The Convention in brief



Article 1

Obligation to respect human rights

States must ensure that everyone on their territory or on territory controlled by them has the rights and freedoms set out in the Convention.



Article 2

Right to life

Everyone's right to life is protected by law.



Article 3

Prohibition of torture

No one may be tortured or treated in an inhuman or degrading manner.



Article 4

Prohibition of slavery and forced labour

No one may be treated as a slave or made to carry out forced labour.



Article 5

Right to liberty and security

Everyone has the right to liberty. All persons who are arrested have the right to be told why, soon after their arrest. They must be brought before a judge straight away and stand trial within a reasonable time or be released until their trial takes place.



Article 6

Right to a fair trial

Everyone has the right to a fair hearing, within a reasonable time, by an independent and unbiased court.

All persons who are accused of an offence are innocent until proven guilty. They must be informed quickly of the charges against them and be able to prepare a defence. They have the right to be represented by a lawyer paid for by the State if they cannot afford to pay for one themselves.



Article 7

No punishment without law

No one may be found guilty of an offence which did not exist at the time the events took place.



Article 8

Right to respect for private and family life

All persons have the right to respect for their private and family life, their home and their correspondence.



Article 9

Freedom of thought, conscience and religion

All persons have the right to freedom of thought, conscience and religion. They may practise their religion in public or in private and change their religion.



Article 10

Freedom of expression

Everyone has the right to freedom of expression. This includes freedom of opinions and the freedom to share and receive information and ideas.



Article 11

Freedom of assembly and association

Everyone has the right to take part in peaceful meetings and join associations. This includes the right to set up a trade union and the freedom to join one.



Article 12

Right to marry

Everyone has the right to marry and found a family.



Article 13

Right to an effective remedy

Everyone must have the possibility of complaining to a court if his or her rights have been violated.



Article 14

Prohibition of discrimination

The rights and freedoms contained in the Convention apply to all persons, regardless of factors such as gender, skin colour, religion, political opinions, or origins.



Article 34

Individual applications

The right to apply to the ECtHR is absolute. States may not interfere with that right in any circumstances.



Article 1 of Protocol No. 1

Protection of property

All persons have the right to own property and to make use of their possessions.



Article 2 of Protocol No. 1

Right to education

Everyone has the right to education and teaching.



Article 3 of Protocol No. 1

Right to free elections

Everyone has the right to take part by secret vote in electing the legislature (that is, the national parliament) and the European Parliament.



Article 2 of Protocol No. 4

Freedom of movement

All persons who are lawfully within a country may move around freely within it and choose where they want to live.



Article 1 of Protocol No. 6

Abolition of the death penalty

No one may be sentenced to death or executed by the State.



Article 2 of Protocol No. 7

Right of appeal in criminal matters

Anyone convicted of a criminal offence has the right to appeal to a higher court.



Article 3 of Protocol No. 7

• Compensation for wrongful conviction

All persons have a right to compensation if the courts convict them wrongly.



Article 4 of Protocol No. 7

• Right not to be tried or punished twice

No one can be tried twice for the same criminal offence unless new facts are proven.



Article 5 of Protocol No. 7

• Equality between spouses

Married couples have the same rights and responsibilities, both towards each other and towards their children.



Article 1 of Protocol No. 12

• General prohibition of discrimination

All persons must be able to exercise their rights without being discriminated against for reasons such as gender, skin colour, political or religious beliefs, or origins.



Article 1 of Protocol No. 13

• Abolition of the death penalty

The death penalty is prohibited even in wartime.

Appendix 2: Signatory States of the Convention for the Protection of Human Rights and Fundamental Freedoms



better known as the
European Convention on
Human Rights
(Rome, 4 November 1950)

-  For the Government of the Kingdom of Belgium: **Paul VAN ZEELAND**
-  For the Government of the Kingdom of Denmark: **Otto Carl MOHR**
-  For the Government of the French Republic: **Robert SCHUMAN**
-  For the Government of the German Federal Republic: **Walter HALLSTEIN**
-  For the Government of the Icelandic Republic: **Petur BENEDIKTSSON**
-  For the Government of the Irish Republic: **Seán MAC BRIDE**
-  For the Government of the Italian Republic: **Carlo SFORZA**
-  For the Government of the Grand Duchy of Luxembourg: **Joseph BECH**
-  For the Government of the Kingdom of the Netherlands: **Dirk STIKKER**
-  For the Government of the Kingdom of Norway: **Halvard Manthey LANGE**
-  For the Government of the Saar: **Edgar HECTOR**
-  For the Government of the Turkish Republic: **Mehmet Fuat KÖPRÜLÜ**
-  For the Government of the United Kingdom of Great Britain and Northern Ireland: **Ernest DAVIES**

Appendix 3: Key dates



5 May 1949

• *Signing of the Treaty of London establishing the Council of Europe.*



14 November 1960

• *The Court delivers its first judgment: *Lawless v. Ireland*.*



4 November 1950

• *Signing in Rome of the Convention for the Protection of Human Rights and Fundamental Freedoms, better known as the European Convention on Human Rights.*



1 November 1998

• *Establishment of the new Court under Protocol No. 11 to the European Convention on Human Rights. This single full-time Court replaces the previous supervisory system.*



3 September 1953

• *Entry into force of the European Convention on Human Rights.*



1 June 2010

• *Creation of new judicial formations to speed up the processing of cases. Judges now serve a nine-year non-renewable term of office.*



21 January 1959

• *First election of judges of the European Court of Human Rights by the Consultative Assembly of the Council of Europe.*

Appendix 4: The Protocols to the Convention



Additional Protocol

• Entry into force: 18 May 1954

Better known as Protocol No. 1; provides for new rights, and in particular the right to peaceful enjoyment of possessions, the right to education and the right to free elections by secret ballot.



Protocol No. 2

• Entry into force: 21 September 1970

Confers competence on the Court to give advisory opinions at the request of the Committee of Ministers.



Protocol No. 3

• Entry into force: 21 September 1970

Amends former Articles 29, 30 and 34 of the Convention.



Protocol No. 4

• Entry into force: 2 May 1968

Provides, in particular, for the prohibition of imprisonment for non-fulfilment of contractual obligations, the right to liberty of movement and freedom to choose one's residence, and the prohibition of expulsion of nationals and collective expulsion of aliens.



Protocol No. 5

• Entry into force: 20 December 1971

Amends Articles 22 and 40 of the Convention.



Protocol No. 6

• Entry into force: 1 March 1985

Concerning abolition of the death penalty.



Protocol No. 7

• Entry into force: 1 November 1988

Provides, in particular, for a right of appeal in criminal matters, the right to compensation for wrongful conviction, the right not to be tried or punished twice, and equality between spouses.



Protocol No. 8

• Entry into force: 1 January 1990

Amends the functioning of the European Commission of Human Rights.



Protocol No. 9

• Entry into force: 1 October 1994

Grants applicants the right, in certain circumstances, to request the Court to deal with their case.



Protocol No. 10

• Signed: 25 March 1992

Improves the Convention supervision procedure within the former Convention system (this instrument lost its purpose with the entry into force of Protocol No. 11).



Protocol No. 11

• Entry into force: 1 November 1998

Establishes the "new Court".



Protocol No. 12

• Entry into force: 1 April 2005

Introduces a general prohibition on discrimination.



Protocol No. 13

• Entry into force: 1 July 2003

Concerning the abolition of the death penalty in all circumstances.



Protocol No. 14

• Entry into force: 1 June 2010

Provides, in particular, for the creation of new judicial formations for the most straightforward cases and a new admissibility criterion. This Protocol also extended the length of judges' term of office from six to nine years, non-renewable.



Protocol No. 15

• Signed: 24 June 2013 – no entry into force yet

Introduces a reference to the subsidiarity principle and the margin of appreciation doctrine. It reduces the time-limit for applying to the Court from six months to four.



Protocol No. 16

• Entry into force: 1 August 2018

Enables States Parties' highest-ranking courts to request an advisory opinion from the Court.

Appendix 5: Chart of signatures and ratifications of the European Convention on Human Rights (Treaty No. 005)

	Signature	Ratification	Entry into force
Albania	13/07/1995	02/10/1996	02/10/1996
Andorra	10/11/1994	22/01/1996	22/01/1996
Armenia	25/01/2001	26/04/2002	26/04/2002
Austria	13/12/1957	03/09/1958	03/09/1958
Azerbaijan	25/01/2001	15/04/2002	15/04/2002
Belgium	04/11/1950	14/06/1955	14/06/1955
Bosnia and Herzegovina	24/04/2002	12/07/2002	12/07/2002
Bulgaria	07/05/1992	07/09/1992	07/09/1992
Croatia	06/11/1996	05/11/1997	05/11/1997
Cyprus	16/12/1961	06/10/1962	06/10/1962
Czech Republic	21/02/1991	18/03/1992	01/01/1993
Denmark	04/11/1950	13/04/1953	03/09/1953
Estonia	14/05/1993	16/04/1996	16/04/1996
Finland	05/05/1989	10/05/1990	10/05/1990
France	04/11/1950	03/05/1974	03/05/1974
Georgia	27/04/1999	20/05/1999	20/05/1999
Germany	04/11/1950	05/12/1952	03/09/1953
Greece	28/11/1950	28/11/1974	28/11/1974
Hungary	06/11/1990	05/11/1992	05/11/1992
Iceland	04/11/1950	29/06/1953	03/09/1953
Ireland	04/11/1950	25/02/1953	03/09/1953
Italy	04/11/1950	26/10/1955	26/10/1955
Latvia	10/02/1995	27/06/1997	27/06/1997
Liechtenstein	23/11/1978	08/09/1982	08/09/1982
Lithuania	14/05/1993	20/06/1995	20/06/1995

	Signature	Ratification	Entry into force
Luxembourg	04/11/1950	03/09/1953	03/09/1953
Malta	12/12/1966	23/01/1967	23/01/1967
Republic of Moldova	13/07/1995	12/09/1997	12/09/1997
Monaco	05/10/2004	30/11/2005	30/11/2005
Montenegro	03/04/2003	03/03/2004	06/06/2006
Netherlands	04/11/1950	31/08/1954	31/08/1954
North Macedonia	09/11/1995	10/04/1997	10/04/1997
Norway	04/11/1950	15/01/1952	03/09/1953
Poland	26/11/1991	19/01/1993	19/01/1993
Portugal	22/09/1976	09/11/1978	09/11/1978
Romania	07/10/1993	20/06/1994	20/06/1994
Russian Federation	28/02/1996	05/05/1998	05/05/1998
San Marino	16/11/1988	22/03/1989	22/03/1989
Serbia	03/04/2003	03/03/2004	03/03/2004
Slovak Republic	21/02/1991	18/03/1992	01/01/1993
Slovenia	14/05/1993	28/06/1994	28/06/1994
Spain	24/11/1977	04/10/1979	04/10/1979
Sweden	28/11/1950	04/02/1952	03/09/1953
Switzerland	21/12/1972	28/11/1974	28/11/1974
Turkey	04/11/1950	18/05/1954	18/05/1954
Ukraine	09/11/1995	11/09/1997	11/09/1997
United Kingdom	04/11/1950	08/03/1951	03/09/1953

Chart of signatures and ratifications of the Protocols to the Convention is available on the website of the Treaty office: www.coe.int/en/web/conventions.

Original of the Convention

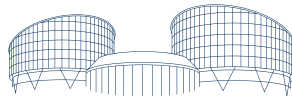




ENG

www.echr.coe.int

The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.



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