

Appendices

**– International legal human
rights instruments**

– Evaluation form

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International legal human rights instruments

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Status of ratification of major international human rights instruments

COUNTRIES	UNITED NATIONS			COUNCIL OF EUROPE					
	International Covenant on Economic, Social and Cultural Rights - CESCR	International Covenant on Civil and Political Rights - CCPR	Convention on the Rights of the Child - CRC	European Convention on Human Rights - ECHR	European Social Charter -ESC	European Social Charter Revised -ESC	Framework Convention For the Protection of National Minorities	European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment	European Charter for Regional or Minority Languages
Status at	26.11.2001	26.11.2001	26.11.2001	27.03.02	02.05.02	02.05.02	02.05.02	02.05.02	02.05.02
Entry into force	03.01.1976	23.03.1976	02.09.1990	03.09.53	26.02.65	01.07.99	01.02.98	01.02.89	01.03.98
Albania	✓	✓	✓	✓			✓	✓	
Andorra			✓	✓				✓	
Armenia	✓	✓	✓	✓			✓		✓
Austria	✓	✓	✓	✓	✓		✓	✓	✓
Azerbaijan	✓	✓	✓	✓			✓	✓	
Belarus	✓	✓	✓						
Belgium	✓	✓	✓	✓	✓			✓	
Bosnia and Herzegovina	✓	✓	✓				✓		
Bulgaria	✓	✓	✓	✓		✓	✓	✓	
Croatia	✓	✓	✓	✓			✓	✓	✓
Cyprus	✓	✓	✓	✓	✓	✓	✓	✓	
Czech Republic	✓	✓	✓	✓	✓		✓	✓	
Denmark	✓	✓	✓	✓	✓		✓	✓	✓
Estonia	✓	✓	✓	✓		✓	✓	✓	
Finland	✓	✓	✓	✓	✓		✓	✓	✓
France	✓	✓	✓	✓	✓	✓		✓	
Georgia	✓	✓	✓	✓				✓	
Germany	✓	✓	✓	✓	✓		✓	✓	✓
Greece	✓	✓	✓	✓	✓			✓	
Hungary	✓	✓	✓	✓	✓		✓	✓	✓
Iceland	✓	✓	✓	✓	✓			✓	
Ireland	✓	✓	✓	✓	✓	✓	✓	✓	
Italy	✓	✓	✓	✓	✓	✓	✓	✓	
Latvia	✓	✓	✓	✓	✓			✓	
Liechtenstein	✓	✓	✓	✓			✓	✓	✓
Lithuania	✓	✓	✓	✓		✓	✓	✓	
Luxembourg	✓	✓	✓	✓	✓			✓	
Malta	✓	✓	✓	✓	✓		✓	✓	
Moldova	✓	✓	✓	✓		✓	✓	✓	
Netherlands	✓	✓	✓	✓	✓			✓	✓
Norway	✓	✓	✓	✓	✓	✓	✓	✓	✓
Poland	✓	✓	✓	✓	✓		✓	✓	
Portugal	✓	✓	✓	✓	✓			✓	
Romania	✓	✓	✓	✓		✓	✓	✓	
Russian Federation	✓	✓	✓	✓			✓	✓	
San Marino	✓	✓	✓	✓			✓	✓	
Slovakia	✓	✓	✓	✓	✓		✓	✓	✓
Slovenia	✓	✓	✓	✓		✓	✓	✓	✓
Spain	✓	✓	✓	✓	✓		✓	✓	✓
Sweden	✓	✓	✓	✓	✓	✓	✓	✓	✓
Switzerland	✓	✓	✓	✓			✓	✓	✓
"the former Yugoslav Republic of Macedonia "	✓	✓	✓	✓			✓	✓	
Turkey	✓	✓	✓	✓	✓			✓	
Ukraine	✓	✓	✓	✓			✓	✓	
United Kingdom	✓	✓	✓	✓	✓		✓	✓	✓
Federal Republic of Yugoslavia	✓	✓	✓				✓		

Sources: ■ United Nations Office of the High Commissioner for Human Rights ■ Council of Europe's Directorate of Legal Affairs

The Universal Declaration of Human Rights (Summary)

Article 1
Right to Equality

Article 2
Freedom from Discrimination

Article 3
Right to Life, Liberty, Personal Security

Article 4
Freedom from Slavery

Article 5
Freedom from Torture and Degrading Treatment

Article 6
Right to Recognition as a Person before the Law

Article 7
Right to Equality before the Law

Article 8
Right to Remedy by Competent Tribunal

Article 9
Freedom from Arbitrary Arrest and Exile

Article 10
Right to Fair Public Hearing

Article 11
Right to be Considered Innocent until Proven Guilty

Article 12
Freedom from Interference with Privacy, Family, Home and Correspondence

Article 13
Right to Free Movement in and out of the Country

Article 14
Right to Asylum in other Countries from Persecution

Article 15
Right to a Nationality and the Freedom to Change It

Article 16
Right to Marriage and Family

Article 17
Right to Own Property

Article 18
Freedom of Belief and Religion

Article 19
Freedom of Opinion and Information

Article 20
Right of Peaceful Assembly and Association

Article 21
Right to Participate in Government and in Free Elections

Article 22
Right to Social Security

Article 23
Right to Desirable Work and to Join Trade Unions

Article 24
Right to Rest and Leisure

Article 25
Right to Adequate Living Standard

Article 26
Right to Education

Article 27
Right to Participate in the Cultural Life of Community

Article 28
Right to a Social Order that Articulates this Document

Article 29
Community Duties Essential to Free and Full Development

Article 30
Freedom from State or Personal Interference in the above Rights

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Universal Declaration of Human Rights

Adopted and proclaimed by the United Nations General Assembly resolution 217 A (III) of 10 December 1948

Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1.

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2.

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3.

Everyone has the right to life, liberty and security of person.

Article 4.

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5.

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6.

Everyone has the right to recognition everywhere as a person before the law.

Article 7.

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8.

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9.

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10.

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11.

- (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
- (2) 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. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12.

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13.

- (1) Everyone has the right to freedom of movement and residence within the borders of each state.
- (2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14.

- (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.
- (2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15.

- (1) Everyone has the right to a nationality.
- (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16.

- (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
- (2) Marriage shall be entered into only with the free and full consent of the intending spouses.

- (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17.

- (1) Everyone has the right to own property alone as well as in association with others.
 (2) No one shall be arbitrarily deprived of his property.

Article 18.

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.

Article 19.

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20.

- (1) Everyone has the right to freedom of peaceful assembly and association.
 (2) No one may be compelled to belong to an association.

Article 21.

- (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
 (2) Everyone has the right of equal access to public service in his country.
 (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22.

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23.

- (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
 (2) Everyone, without any discrimination, has the right to equal pay for equal work.
 (3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
 (4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24.

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25.

- (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
 (2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26.

- (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
 (2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
 (3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27.

- (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
 (2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28.

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29.

- (1) Everyone has duties to the community in which alone the free and full development of his personality is possible.
 (2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
 (3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30.

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

The International Covenant on Civil and Political Rights (ICCPR)

(Unofficial summary)

- This Covenant was adopted by the United Nations General Assembly on 16 December 1966 and entered into force on 23 March 1976. By the end of 2001, the Covenant had been ratified by 147 states.
- The Covenant elaborates further the civil and political rights and freedoms listed in the Universal Declaration of Human Rights.
- Under Article 1 of the Covenant, the states commit themselves to promote the right to self-determination and to respect that right. It also recognises the rights of peoples to freely own, trade and dispose of their natural wealth and resources.

Among the rights of individuals guaranteed by the Covenant are:

Article 2

The right to legal recourse when their rights have been violated, even if the violator was acting in an official capacity.

Article 3

The right to equality between men and women in the enjoyment of their civil and political rights.

Article 6

The right to life and survival.

Article 7

The freedom from inhuman or degrading treatment or punishment.

Article 8

The freedom from slavery and servitude.

Article 9

The right to liberty and security of the person and freedom from arbitrary arrest or detention.

Article 11

The freedom from prison due to debt.

Article 12

The right to liberty and freedom of movement

Article 14

The right to equality before the law; the right to be presumed innocent until proven guilty and to have a fair and public hearing by an impartial tribunal.

Article 16

The right to be recognised as a person before the law.

The Covenant is legally binding; the Human Rights Committee established under Article 28, monitors its implementation.

Article 17

The right privacy and its protection by the law.

Article 18

The freedom of thought, conscience and religion.

Article 19

The freedom of opinion and expression.

Article 20

Prohibition of propaganda advocating war or national, racial or religious hatred.

Article 21

The right to peaceful assembly.

Article 22

The right to freedom of association.

Article 23

The right to marry and found a family

Article 24

The rights for children (status as minors, nationality, registration and name).

Article 25

The right to participate in the conduct of public affairs, to vote and to be elected and access to public service.

Article 26

The right to equality before the law and equal protection

Article 27

The right, for members of religious, ethnic or linguistic minorities, to enjoy their culture, practice their religion and use their language.

International Covenant on Economic, Social and Cultural Rights (ICESCR)

(Unofficial summary)

Cultural Rights (1966), together with the Universal Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights (1966), make up the International Bill of Human Rights. In accordance with the Universal Declaration, the Covenants recognize that "... the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights."

Article 1

All peoples have the right of self-determination, including the right to determine their political status and freely pursue their economic, social and cultural development.

Article 2

Each State Party undertakes to take steps to the maximum of its available resources to achieve progressively the full realization of the rights in this treaty. Everyone is entitled to the same rights without discrimination of any kind.

Article 3

The States undertake to ensure the equal right of men and women to the enjoyment of all rights in this treaty.

Article 4

Limitations may be placed on these rights only if compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.

Article 5

No person, group or government has the right to destroy any of these rights.

Article 6

Everyone has the right to work, including the right to gain one's living at work that is freely chosen and accepted.

Article 7

Everyone has the right to just conditions of work; fair wages ensuring a decent living for himself and his family; equal pay for equal work; safe and healthy working conditions; equal opportunity for everyone to be promoted; rest and leisure.

Article 8

Everyone has the right to form and join trade unions, the right to strike.

Article 9

Everyone has the right to social security, including social insurance.

Article 10

Protection and assistance should be accorded to the family. Marriage must be entered into with the free consent of both spouses. Special protection should be provided to mothers. Special measures should be taken on behalf of children, without discrimination. Children and youth should be protected from economic exploitation. Their employment in dangerous or harmful work should be prohibited. There should be age limits below which child labor should be prohibited.

Article 11

Everyone has the right to an adequate standard of living for himself and his family, including adequate food, clothing and housing. Everyone has the right to be free from hunger.

Article 12

Everyone has the right to the enjoyment of the highest attainable standard of physical and mental health.

Article 13

Everyone has the right to education. Primary education should be compulsory and free to all.

Article 14

Those States where compulsory, free primary education is not available to all should work out a plan to provide such education.

Article 15

Everyone has the right to take part in cultural life; enjoy the benefits of scientific progress.

Source: The Minnesota Human Rights Resource Center, based on based on UN Centre on Human Rights, The International Bill of Rights, Fact Sheet #2.

The Convention on the Rights of the Child

(Unofficial summary)

- The Convention on the Rights of the Child (CRC) is the most universally accepted human rights instrument, ratified by every country in the world except two. The Convention incorporates the full range of human rights - civil, political, economic, social and cultural rights – of children into one single document. The Convention was adopted by the UN.
- General Assembly on 20 November 1989 and entered into force in September 1990.
- The Convention outlines in 41 articles the human rights to be respected and protected for every child under the age of eighteen years.

Article 1

Definition of child as “every human being below the age of eighteen years“, unless the national law considers majority attained at an earlier age.

Article 2

The rights safeguarded in the Convention shall be ensured *without any discrimination* of any kind.

Article 3

In all actions concerning children the *best interest of the child* shall be of primary consideration.

Article 5

The state shall respect the responsibility, *rights and duties of the parents* or extended family.

Article 6

Every child has the inherent right to *life*

Article 7

The child has the right to a *name*, to acquire a *nationality* and to know and be cared for by *its parents*

Article 8

The child has the right to *identity and nationality*.

Article 9

The child has the right *not to be separated from its parents*, except in its best interests and by a judicial procedure.

Article 12

The child has the right to express views on all matters affecting him/her and the *child's views* should be given due weight.

Article 13

The child has the right to *freedom of expression*, including the right to seek, receive and impart *information* and ideas of all kind.

Article 14

The right of the child to *freedom of thought, conscience and religion* shall be respected.

Article 15

The child has the right to freedom of *association and peaceful assembly*.

Article 16

No child shall be subjected to arbitrary or unlawful interference with his/her *privacy*, family, home or correspondence; the child should be protected from unlawful attacks on his/her honour and reputation.

Article 17

The State shall ensure the right of the child to *access to information* and material from national and international sources

Article 18

Parents have the prime responsibility for the *upbringing* and development of the child.

Article 19

The State shall take all legislative, administrative, social and educational measures for the protection of the child from all forms of physical or mental violence, injury, abuse, neglect, maltreatment or exploitation.

Article 24

The child has the right to the highest attainable standard of *health care*, with emphasis on primary health care, the development of preventive health care.

Article 26

The child has the right to benefit from *social security*.

Article 27

The child has the right to a *standard of living* which will allow physical, mental, spiritual, moral and social development.

Article 28

The child has the right to *education*. The State shall make primary education compulsory and available and free to all and encourage the development of different forms of secondary education, make them available to every child. School discipline shall be administered in a manner consistent with the child's dignity. Education should be directed to the development of the child's personality, talents and abilities, the respect for human rights and fundamental freedoms, responsible life in a free society in the spirit of peace, friendship, understanding, tolerance and equality, the development of respect for the natural environment.

Article 30

The child has the right to enjoy his/her own *culture*.

Article 31

The child has the right to *rest and leisure*, to play and freely participate in cultural life and the arts.

Article 32

The child shall be protected from economic *exploitation* and from performing work that is hazardous to his/her life and development.

Article 33

The child shall be protected from illicit use of narcotic *drugs*.

Article 34

The child shall be protected from all forms of *sexual exploitation and sexual abuse*, the use of children in prostitution or other unlawful sexual practices, in pornographic performances and materials.

Article 38

The State shall take all feasible measures to protect and care for children affected by *armed conflict*.

Article 40

Every child accused of having committed an *offence or crime* should be guaranteed to be presumed innocent until proven guilty, to have *legal assistance* in presenting his/her case, not to be compelled to give testimony or to confess guilt, to have his/her privacy fully respected, to be dealt with in a manner appropriate to their age, circumstances and well-being. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by children below the age of 18.

The full text of the Convention and Optional Protocols can be consulted and downloaded from many Internet sites, such as UNICEF's (www.unicef.org/crc)

The European Convention on Human Rights

(Summary)

Under the Convention, which was signed in Rome on 4 November 1950 and came into force in 1953, the States Parties guarantee the basic civil and political rights of a state governed by the rule of law, not only to their own citizens but to all persons "within their jurisdiction". States or individuals can bring a complaint before the Court set up by the Convention. However, the Convention is not necessarily incorporated into each state's national legal system. The theory of international law whereby human rights have a fundamental character placing them above the legislation and practices of sovereign states is thus brought into practice.

The rights guaranteed

The right to life (Article 2)

Article 2 protects the individual against death inflicted arbitrarily by the State; but it does not exclude the use of the death penalty if carried out in accordance with the law. Protocol No. 6, abolishing the death penalty in time of peace, was adopted in 1985. A new protocol, abolishing death penalty is being prepared.

The right to liberty and security of person (Article 5)

Article 5 guarantees people physical liberty by protecting them from arbitrary arrest and detention and according them certain basic procedural rights. Its provisions are extended by Article 1 of Protocol No. 4 which prohibits imprisonment for debt.

The right to a fair trial in civil and criminal matters (Article 6)

This right is complemented by Article 13, which ensures the right to an effective remedy before a national authority. Article 6 includes the condition that the proceedings must take place within a "reasonable time". Complaints of violations of this provision are those most frequently brought by applicants. The notion of a fair trial is completed by the principle that criminal law should not be retroactive (Article 7), the right of appeal in criminal cases, the right to compensation for wrongful conviction, and the right not to be tried or punished twice for the same offence (Articles 2, 3 and 4 of Protocol No. 7).

Respect for private and family life, home and correspondence (Article 8),

which may be linked to the right to marry and found a family (Article 12).

The equality of rights and responsibilities of spouses during marriage (Article 5 of Protocol No. 7).

The right to freedom of expression (including freedom of the press) (Article 10)

The requirements of this basic right are a logical development of the rights guaranteed by Article 9 (freedom of thought, conscience and religion).

Freedom of peaceful assembly and association (Article 11).

The right to peaceful enjoyment of possessions (Article 1 of Protocol No. 1).

The right to education (Article 2 of Protocol No. 1).

The right to free elections (Article 3 of Protocol No. 1).

The Council of Europe and the protection of human rights

Liberty of movement and freedom to choose where to live (Article 2 of Protocol No. 4).

What is prohibited

Torture and inhuman or degrading treatment and punishment (Article 3).

Slavery, servitude and forced labour (Article 4).

Discrimination in the enjoyment of rights and freedoms guaranteed by the Convention (Article 14).

Expulsion of a state's own nationals or denying them entry, and the collective expulsion of aliens. (Articles 3 and 4 of Protocol No. 4)

Procedural safeguards also protect foreigners under threat of expulsion from a country (Article 1 of Protocol No. 7).

The Convention provides for a European Court of Human Rights to deal with individuals' petitions and inter-state cases. The Judges are entirely independent and are elected by the Parliamentary Assembly.

The Committee of Ministers of the Council of Europe supervises the execution of the judgment where a violation has been found, ensuring that the state takes appropriate remedial action, for example by means of new administrative procedures or by legislation

Source: Council of Europe Directorate General of Human Rights www.humanrights.coe.int

Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocol No. 11

Rome, 4.XI.1950

The text of the Convention had been amended according to the provisions of Protocol No. 3 (ETS No. 45), which entered into force on 21 September 1970, of Protocol No. 5 (ETS No. 55), which entered into force on 20 December 1971 and of Protocol No. 8 (ETS No. 118), which entered into force on 1 January 1990, and comprised also the text of Protocol No. 2 (ETS No. 44) which, in accordance with Article 5, paragraph 3 thereof, had been an integral part of the Convention since its entry into force on 21 September 1970. All provisions which had been amended or added by these Protocols are replaced by Protocol No. 11 (ETS No. 155), as from the date of its entry into force on 1 November 1998. As from that date, Protocol No. 9 (ETS No. 140), which entered into force on 1 October 1994, is repealed and Protocol No. 10 (ETS no. 146) has lost its purpose.

- The governments signatory hereto, being members of the Council of Europe, Considering the Universal Declaration of Human
- Rights proclaimed by the General Assembly of the United Nations on 10th December 1948;
- Considering that this Declaration aims at securing the universal and effective recognition and observance of the Rights therein declared;
- Considering that the aim of the Council of Europe is the achievement of greater unity between its members and that one of the methods by which that aim is to be pursued is the maintenance and further realisation of human rights and fundamental freedoms;
- Reaffirming their profound belief in those fundamental freedoms which are the foundation of justice and peace in the world and are best maintained on the one hand by an effective political democracy and on the other by a common understanding and
- observance of the human rights upon which they depend;
- Being resolved, as the governments of European countries which are like-minded and have a common heritage of political traditions, ideals, freedom and the rule of law, to take the first steps for the collective enforcement of certain of the rights stated in the Universal Declaration,

Have agreed as follows:

Article 1¹ – Obligation to respect human rights

The High Contracting Parties shall secure to everyone within their jurisdiction the rights and freedoms defined in Section I of this Convention.

Section I¹ – Rights and freedoms

Article 2¹ – Right to life

- 1 Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.
- 2 Deprivation of life shall not be regarded as inflicted in contravention of this article when it results from the use of force which is no more than absolutely necessary:
 - a in defence of any person from unlawful violence;
 - b in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;
 - c in action lawfully taken for the purpose of quelling a riot or insurrection.

Article 3² – Prohibition of torture

No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

Article 4¹ – Prohibition of slavery and forced labour

- 1 No one shall be held in slavery or servitude.
- 2 No one shall be required to perform forced or compulsory labour.
- 3 For the purpose of this article the term "forced or compulsory labour" shall not include:
 - a any work required to be done in the ordinary course of detention imposed according to the provisions of Article 5 of this Convention or during conditional release from such detention;
 - b any service of a military character or, in case of conscientious objectors in countries where they are recognised, service exacted instead of compulsory military service;
 - c any service exacted in case of an emergency or calamity threatening the life or well-being of the community;
 - d any work or service which forms part of normal civic obligations.

Article 5¹ – Right to liberty and security

- 1 Everyone has the right to liberty and security of person. 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 or 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 or 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 when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;
 - d the detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority;
 - e the lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts or vagrants;
 - f the lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition.

- 2 Everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him.
- 3 Everyone arrested or detained in accordance with the provisions of paragraph 1.c of this article 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.
- 5 Everyone who has been the victim of arrest or detention in contravention of the provisions of this article shall have an enforceable right to compensation.

Article 6³ – Right to a fair trial

- 1 In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.
- 2 Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.
- 3 Everyone charged with a criminal offence has the following minimum rights:
 - a to be informed promptly, in a language which he understands and in detail, 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 or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;
 - d to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
 - e to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

Article 7¹ – No punishment without law

- 1 No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the criminal offence was committed.
- 2 This article shall not prejudice the trial and punishment of any person for any act or omission which, at the time when it was

committed, was criminal according to the general principles of law recognised by civilised nations.

Article 8¹ – Right to respect for private and family life

- 1 Everyone has the right to respect for his private and family life, his home and his correspondence.
- 2 There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, 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.

Article 9¹ – Freedom of thought, conscience and religion

- 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 worship, teaching, practice 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 a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

Article 10¹ – Freedom of expression

- 1 Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
- 2 The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, 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 reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

Article 11⁵ – Freedom of assembly and association

- 1 Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.
- 2 No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, 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. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.

Article 12¹ – Right to marry

Men and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of this right.

Article 13¹ – Right to an effective remedy

Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.

Article 14¹ – 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.

Article 15¹ – Derogation in time of emergency

- 1 In time of war or other public emergency threatening the life of the nation any High Contracting Party may take measures derogating from its obligations under this Convention to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law.
- 2 No derogation from Article 2, except in respect of deaths resulting from lawful acts of war, or from Articles 3, 4 (paragraph 1) and 7 shall be made under this provision.
- 3 Any High Contracting Party availing itself of this right of derogation shall keep the Secretary General of the Council of Europe fully informed of the measures which it has taken and the reasons therefor. It shall also inform the Secretary General of the Council of Europe when such measures have ceased to operate and the provisions of the Convention are again being fully executed.

Article 16¹ – Restrictions on political activity of aliens

Nothing in Articles 10, 11 and 14 shall be regarded as preventing the High Contracting Parties from imposing restrictions on the political activity of aliens.

Article 17⁶ – Prohibition of abuse of rights

Nothing in this Convention may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth herein or at their limitation to a greater extent than is provided for in the Convention.

Article 18¹ – Limitation on use of restrictions on rights

The restrictions permitted under this Convention to the said rights and freedoms shall not be applied for any purpose other than those for which they have been prescribed

Section II⁷ – European Court of Human Rights

Article 19 – Establishment of the Court

To ensure the observance of the engagements undertaken by the High Contracting Parties in the Convention and the Protocols thereto, there shall be set up a European Court of Human Rights, hereinafter referred to as "the Court". It shall function on a permanent basis.

Article 20 – Number of judges

The Court shall consist of a number of judges equal to that of the High Contracting Parties.

Article 21 – Criteria for office

- 1 The judges shall be of high moral character and must either possess the qualifications required for appointment to high judicial office or be jurists of recognised competence.
- 2 The judges shall sit on the Court in their individual capacity.
- 3 During their term of office the judges shall not engage in any activity which is incompatible with their independence, impartiality or with the demands of a full-time office; all questions arising from the application of this paragraph shall be decided by the Court.

Article 22 – Election of judges

- 1 The judges shall be elected by the Parliamentary Assembly with respect to each High Contracting Party by a majority of votes cast from a list of three candidates nominated by the High Contracting Party.
- 2 The same procedure shall be followed to complete the Court in the event of the accession of new High Contracting Parties and in filling casual vacancies.

Article 23 – Terms of office

- 1 The judges shall be elected for a period of six years. They may be re-elected. However, the terms of office of one-half of the judges elected at the first election shall expire at the end of three years.
- 2 The judges whose terms of office are to expire at the end of the initial period of three years shall be chosen by lot by the Secretary General of the Council of Europe immediately after their election.
- 3 In order to ensure that, as far as possible, the terms of office of one-half of the judges are renewed every three years, the Parliamentary Assembly may decide, before proceeding to any subsequent election, that the term or terms of office of one or more judges to be elected shall be for a period other than six years but not more than nine and not less than three years.
- 4 In cases where more than one term of office is involved and where the Parliamentary Assembly applies the preceding paragraph, the allocation of the terms of office shall be effected by a drawing of lots by the Secretary General of the Council of Europe immediately after the election.
- 5 A judge elected to replace a judge whose term of office has not expired shall hold office for the remainder of his predecessor's term.
- 6 The terms of office of judges shall expire when they reach the age of 70.
- 7 The judges shall hold office until replaced. They shall, however, continue to deal with such cases as they already have under consideration.

Article 24 – Dismissal

No judge may be dismissed from his office unless the other judges decide by a majority of two-thirds that he has ceased to fulfil the required conditions.

Article 25 – Registry and legal secretaries

The Court shall have a registry, the functions and organisation of which shall be laid down in the rules of the Court. The Court shall be assisted by legal secretaries.

Article 26 – Plenary Court

The plenary Court shall

- a elect its President and one or two Vice-Presidents for a period of three years; they may be re-elected;
- b set up Chambers, constituted for a fixed period of time;
- c elect the Presidents of the Chambers of the Court; they may be re-elected;
- d adopt the rules of the Court, and
- e elect the Registrar and one or more Deputy Registrars.

Article 27 – Committees, Chambers and Grand Chamber

- 1 To consider cases brought before it, the Court shall sit in committees of three judges, in Chambers of seven judges and in a Grand Chamber of seventeen judges. The Court's Chambers shall set up committees for a fixed period of time.
- 2 There shall sit as an *ex officio* member of the Chamber and the Grand Chamber the judge elected in respect of the State Party concerned or, if there is none or if he is unable to sit, a person of its choice who shall sit in the capacity of judge.
- 3 The Grand Chamber shall also include the President of the Court, the Vice-Presidents, the Presidents of the Chambers and other judges chosen in accordance with the rules of the Court. When a case is referred to the Grand Chamber under Article 43, no judge from the Chamber which rendered the judgment shall sit in the Grand Chamber, with the exception of the President of the Chamber and the judge who sat in respect of the State Party concerned.

Article 28 – Declarations of inadmissibility by committees

A committee may, by a unanimous vote, declare inadmissible or strike out of its list of cases an application submitted under Article 34 where such a decision can be taken without further examination. The decision shall be final.

Article 29 – Decisions by Chambers on admissibility and merits

- 1 If no decision is taken under Article 28, a Chamber shall decide on the admissibility and merits of individual applications submitted under Article 34.
- 2 A Chamber shall decide on the admissibility and merits of inter-State applications submitted under Article 33.
- 3 The decision on admissibility shall be taken separately unless the Court, in exceptional cases, decides otherwise.

Article 30 – Relinquishment of jurisdiction to the Grand Chamber

Where a case pending before a Chamber raises a serious question affecting the interpretation of the Convention or the protocols thereto, or where the resolution of a question before the Chamber might have a result inconsistent with a judgment previously delivered by the Court, the Chamber may, at any time before it has rendered its judgment, relinquish jurisdiction in favour of the Grand Chamber, unless one of the parties to the case objects.

Article 31 – Powers of the Grand Chamber

The Grand Chamber shall

- 1 a determine applications submitted either under Article 33 or Article 34 when a Chamber has relinquished jurisdiction under Article 30 or when the case has been referred to it under Article 43; and

- b consider requests for advisory opinions submitted under Article 47.

Article 32 – Jurisdiction of the Court

- 1 The jurisdiction of the Court shall extend to all matters concerning the interpretation and application of the Convention and the protocols thereto which are referred to it as provided in Articles 33, 34 and 47.
- 2 In the event of dispute as to whether the Court has jurisdiction, the Court shall decide.

Article 33 – Inter-State cases

Any High Contracting Party may refer to the Court any alleged breach of the provisions of the Convention and the protocols thereto by another High Contracting Party.

Article 34 – Individual applications

The Court may receive applications from any person, non-governmental organisation or group of individuals claiming to be the victim of a violation by one of the High Contracting Parties of the rights set forth in the Convention or the protocols thereto. The High Contracting Parties undertake not to hinder in any way the effective exercise of this right.

Article 35 – Admissibility criteria

- 1 The Court may only deal with the matter after all domestic remedies have been exhausted, according to the generally recognised rules of international law, and within a period of six months from the date on which the final decision was taken.
- 2 The Court shall not deal with any application submitted under Article 34 that
 - a is anonymous; or
 - b is substantially the same as a matter that has already been examined by the Court or has already been submitted to another procedure of international investigation or settlement and contains no relevant new information.
- 3 The Court shall declare inadmissible any individual application submitted under Article 34 which it considers incompatible with the provisions of the Convention or the protocols thereto, manifestly ill-founded, or an abuse of the right of application.
- 4 The Court shall reject any application which it considers inadmissible under this Article. It may do so at any stage of the proceedings.

Article 36 – Third party intervention

- 1 In all cases before a Chamber or the Grand Chamber, a High Contracting Party one of whose nationals is an applicant shall have the right to submit written comments and to take part in hearings.
- 2 The President of the Court may, in the interest of the proper administration of justice, invite any High Contracting Party which is not a party to the proceedings or any person concerned who is not the applicant to submit written comments or take part in hearings.

Article 37 – Striking out applications

- 1 The Court may at any stage of the proceedings decide to strike an application out of its list of cases where the circumstances lead to the conclusion that

- a the applicant does not intend to pursue his application; or
 - b the matter has been resolved; or
 - c for any other reason established by the Court, it is no longer justified to continue the examination of the application. However, the Court shall continue the examination of the application if respect for human rights as defined in the Convention and the protocols thereto so requires.
- 2 The Court may decide to restore an application to its list of cases if it considers that the circumstances justify such a course.

Article 38 – Examination of the case and friendly settlement proceedings

- 1 If the Court declares the application admissible, it shall
- a pursue the examination of the case, together with the representatives of the parties, and if need be, undertake an investigation, for the effective conduct of which the States concerned shall furnish all necessary facilities;
 - b place itself at the disposal of the parties concerned 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.
- 2 Proceedings conducted under paragraph 1.b shall be confidential.

Article 39 – Finding of a friendly settlement

If a friendly settlement is effected, the Court shall strike the case out of its list by means of a decision which shall be confined to a brief statement of the facts and of the solution reached.

Article 40 – Public hearings and access to documents

- 1 Hearings shall be in public unless the Court in exceptional circumstances decides otherwise.
- 2 Documents deposited with the Registrar shall be accessible to the public unless the President of the Court decides otherwise.

Article 41 – Just satisfaction

If the Court finds that there has been a violation of the Convention or the protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party.

Article 42 – Judgments of Chambers

Judgments of Chambers shall become final in accordance with the provisions of Article 44, paragraph 2.

Article 43 – Referral to the Grand Chamber

- 1 Within a period of three months from the date of the judgment of the Chamber, any party to the case may, in exceptional cases, request that the case be referred to the Grand Chamber.
- 2 A panel of five judges of the Grand Chamber shall accept the request if the case raises a serious question affecting the interpretation or application of the Convention or the protocols thereto, or a serious issue of general importance.
- 3 If the panel accepts the request, the Grand Chamber shall decide the case by means of a judgment.

Article 44 – Final judgments

- 1 The judgment of the Grand Chamber shall be final.
- 2 The judgment of a Chamber shall become final
- a when the parties declare that they will not request that the case be referred to the Grand Chamber; or
 - b three months after the date of the judgment, if reference of the case to the Grand Chamber has not been requested; or
 - c when the panel of the Grand Chamber rejects the request to refer under Article 43.
- 3 The final judgment shall be published.

Article 45 – Reasons for judgments and decisions

- 1 Reasons shall be given for judgments as well as for decisions declaring applications admissible or inadmissible.
- 2 If a judgment does not represent, in whole or in part, the unanimous opinion of the judges, any judge shall be entitled to deliver a separate opinion.

Article 46 – Binding force and execution of judgments

- 1 The High Contracting Parties undertake to abide by the final judgment of the Court in any case to which they are parties.
- 2 The final judgment of the Court shall be transmitted to the Committee of Ministers, which shall supervise its execution.

Article 47 – Advisory opinions

- 1 The Court may, at the request of the Committee of Ministers, give advisory opinions on legal questions concerning the interpretation of the Convention and the protocols thereto.
- 2 Such opinions shall not deal with any question relating to the content or scope of the rights or freedoms defined in Section I of the Convention and the protocols thereto, or with any other question which the Court or the Committee of Ministers might have to consider in consequence of any such proceedings as could be instituted in accordance with the Convention.
- 3 Decisions of the Committee of Ministers to request an advisory opinion of the Court shall require a majority vote of the representatives entitled to sit on the Committee.

Article 48 – Advisory jurisdiction of the Court

The Court shall decide whether a request for an advisory opinion submitted by the Committee of Ministers is within its competence as defined in Article 47.

Article 49 – Reasons for advisory opinions

- 1 Reasons shall be given for advisory opinions of the Court.
- 2 If the advisory opinion does not represent, in whole or in part, the unanimous opinion of the judges, any judge shall be entitled to deliver a separate opinion.
- 3 Advisory opinions of the Court shall be communicated to the Committee of Ministers.

Article 50 – Expenditure on the Court

The expenditure on the Court shall be borne by the Council of Europe.

Article 51 – Privileges and immunities of judges

The judges shall be entitled, during the exercise 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.

Section III^{8,9} – Miscellaneous provisions

Article 52¹ – Inquiries by the Secretary General

On receipt of a request from the Secretary General of the Council of Europe any High Contracting Party shall furnish an explanation of the manner in which its internal law ensures the effective implementation of any of the provisions of the Convention.

Article 53¹ – Safeguard for existing human rights

Nothing in this Convention shall be construed as limiting or derogating from any of the human rights and fundamental freedoms which may be ensured under the laws of any High Contracting Party or under any other agreement to which it is a Party.

Article 54¹ – Powers of the Committee of Ministers

Nothing in this Convention shall prejudice the powers conferred on the Committee of Ministers by the Statute of the Council of Europe.

Article 55¹ – Exclusion of other means of dispute settlement

The High Contracting Parties agree that, except by special agreement, they will not avail themselves of treaties, conventions or declarations in force between them for the purpose of submitting, by way of petition, a dispute arising out of the interpretation or application of this Convention to a means of settlement other than those provided for in this Convention.

Article 56¹⁰ – Territorial application

- 1¹¹ Any State may at the time of its ratification or at any time thereafter declare by notification addressed to the Secretary General of the Council of Europe that the present Convention shall, subject to paragraph 4 of this Article, extend to all or any of the territories for whose international relations it is responsible.
- 2 The Convention shall extend to the territory or territories named in the notification as from the thirtieth day after the receipt of this notification by the Secretary General of the Council of Europe.
- 3 The provisions of this Convention shall be applied in such territories with due regard, however, to local requirements.
- 4² Any State which has made a declaration in accordance with paragraph 1 of this article may at any time thereafter declare on behalf of one or more of the territories to which the declaration relates that it accepts the competence of the Court to receive applications from individuals, non-governmental organisations or groups of individuals as provided by Article 34 of the Convention.

Article 57¹ – Reservations

- 1 Any State may, when signing this Convention or when depositing its instrument of ratification, make a reservation in respect of any particular provision of the Convention to the extent that any law then in force in its territory is not in conformity with the provision. Reservations of a general character shall not be permitted under this article.
- 2 Any reservation made under this article shall contain a brief statement of the law concerned.

Article 58¹ – Denunciation

- 1 A High Contracting Party may denounce the present Convention only after the expiry of five years from the date

on which it became a party to it and after six months' notice contained in a notification addressed to the Secretary General of the Council of Europe, who shall inform the other High Contracting Parties.

- 2 Such a denunciation shall not have the effect of releasing the High Contracting Party concerned from its obligations under this Convention in respect of any act which, being capable of constituting a violation of such obligations, may have been performed by it before the date at which the denunciation became effective.
- 3 Any High Contracting Party which shall cease to be a member of the Council of Europe shall cease to be a Party to this Convention under the same conditions.
- 4¹² The Convention may be denounced in accordance with the provisions of the preceding paragraphs in respect of any territory to which it has been declared to extend under the terms of Article 56.

Article 59¹³ – Signature and ratification

- 1 This Convention shall be open to the signature of the members of the Council of Europe. It shall be ratified. Ratifications shall be deposited with the Secretary General of the Council of Europe.
- 2 The present Convention shall come into force after the deposit of ten instruments of ratification.
- 3 As regards any signatory ratifying subsequently, the Convention shall come into force at the date of the deposit of its instrument of ratification.
- 4 The Secretary General of the Council of Europe shall notify all the members of the Council of Europe of the entry into force of the Convention, the names of the High Contracting Parties who have ratified it, and the deposit of all instruments of ratification which may be effected subsequently.

Done at Rome this 4th day of November 1950, in English and French, both texts being equally authentic, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary General shall transmit certified copies to each of the signatories.

References

- 1 Heading added according to the provisions of Protocol No. 11 (ETS No. 155).
- 2 Heading added according to the provisions of Protocol No. 11 (ETS No. 155).
- 3 Heading added according to the provisions of Protocol No. 11 (ETS No. 155).
- 4 Heading added according to the provisions of Protocol No. 11 (ETS No. 155).
- 5 Heading added according to the provisions of Protocol No. 11 (ETS No. 155).
- 6 Heading added according to the provisions of Protocol No. 11 (ETS No. 155).
- 7 New Section II according to the provisions of Protocol No. 11 (ETS No. 155).
- 8 Heading added according to the provisions of Protocol No. 11 (ETS No. 155).
- 9 The articles of this Section are renumbered according to the provisions of Protocol No. 11 (ETS No. 155).
- 10 Heading added according to the provisions of Protocol No. 11 (ETS No. 155).
- 11 Text amended according to the provisions of Protocol No. 11 (ETS No. 155).
- 12 Text amended according to the provisions of Protocol No. 11 (ETS No. 155).
- 13 Heading added according to the provisions of Protocol No. 11 (ETS No. 155).

The European Social Charter (brief presentation)

A Council of Europe Treaty safeguarding Human Rights

The **European Social Charter** (referred to below to as “the Charter”) sets out rights and freedoms and establishes a supervisory mechanism guaranteeing their respect by the States Parties. It was recently revised, and the 1996 revised European Social Charter, which came into force in 1999, is gradually replacing the initial 1961 treaty.

The appended table shows **which countries have currently signed and ratified the Charter**.

Rights guaranteed by the Charter

The rights guaranteed by the Charter concern all individuals in their daily lives:

Housing:

- construction of housing in accordance with families’ needs;
- reduction in the number of homeless persons;
- universally assured access to decent, affordable housing;
- equal access to social housing for foreigners;

Health:

- accessible, effective health care facilities for the entire population;
- policy for preventing illness with, in particular, the guarantee of a healthy environment;
- elimination of occupational hazards so as to ensure that health and safety at work are provided for by law and guaranteed in practice;

Education:

- a ban on work by children under the age of 15;
- free primary and secondary education;
- free vocational guidance services;
- initial and further vocational training;
- access to university and other forms of higher education solely on the basis of personal merit;

Employment:

- a social and economic policy designed to ensure full employment;
- the right to earn one’s living in an occupation freely entered upon;
- fair working conditions as regards pay and working hours;
- action to combat sexual and psychological harassment;
- prohibition of forced labour;
- freedom to form trade unions and employers’ organisations to defend economic and social interests; individual freedom to decide whether or not to join them;
- promotion of joint consultation, collective bargaining, conciliation and voluntary arbitration;
- the right to strike;

Social protection:

- the right to social security, social welfare and social services;
- the right to be protected against poverty and social exclusion;
- special measures catering for families and the elderly;

Movement of persons:

- simplification of immigration formalities for European workers;
- the right to family reunion;
- the right of non-resident foreigners to emergency assistance up until repatriation;
- procedural safeguards in the event of expulsion;

Non-discrimination:

- the right of women and men to equal treatment and equal opportunities in employment;
- a guarantee that all the rights set out in the Charter apply regardless of race, sex, age, colour, language, religion, opinions, national origin, social background, state of health or association with a national minority.

European Committee of Social Rights

The European Committee of Social Rights (referred to below as “the Committee”) ascertains whether countries have honoured the undertakings set out in the Charter. Its twelve independent, impartial members are elected by the Council of Europe *Committee of Ministers* for a period of six years, renewable once. The Committee determines whether or not national law and practice in the States Parties are in conformity with the Charter (Article 24 of the Charter, as amended by the 1991 *Turin Protocol*).

A monitoring procedure based on national reports

Every year the states parties submit a *report* indicating how they implement the Charter in law and in practice. Each report concerns some of the *accepted provisions* of the Charter.

The Committee examines the reports and decides whether or not the situations in the countries concerned are in conformity with the Charter. Its decisions, known as “*conclusions*”, are published every year.

If a state takes no action on a Committee decision to the effect that it does not comply with the Charter, the Committee of Ministers addresses a *recommendation* to that state, asking it to change the situation in law or in practice. The Committee of Ministers’ work is prepared by a *Governmental Committee* comprising representatives of the governments of the States Parties to the Charter, assisted by observers representing European employers’ organisations and trade unions¹.

A collective complaints procedure

Under a *protocol* opened for signature in 1995, which came into force in 1998, *complaints* of violations of the Charter may be lodged with the European Committee of Social Rights.

Organisations entitled to lodge complaints with the Committee

- In the case of all states that have accepted the procedure:
 1. the ETUC, UNICE and the IOE¹;
 2. *Non-governmental organisations (NGOs) with consultative status* with the Council of Europe which are on a *list* drawn up for this purpose by the Governmental Committee;
 3. Employers’ organisations and trade unions in the country concerned;
- In the case of states which have also agreed to this:
 4. National NGOs.

The complaint file must contain the following information:

- a. the name and contact details of the organisation submitting the complaint;
- b. proof that the person submitting and signing the complaint is entitled to represent the organisation lodging the complaint;
- c. the state against which the complaint is directed;
- d. an indication of the provisions of the Charter that have allegedly been violated;
- e. the subject matter of the complaint, i.e. the point(s) in respect

of which the state in question has allegedly failed to comply with the Charter, along with the relevant arguments, with supporting documents.

The complaint may be submitted freely on the basis of the above, or using a form. It must be drafted in English or French in the case of organisations in categories 1 and 2 above. In the case of the others (categories 3 and 4), it may be drafted in the official language, or one of the official languages, of the state concerned.

The Committee examines the complaint and, if the formal requirements have been met, declares it admissible.

Once the complaint has been declared admissible, a written procedure is set in motion, with an exchange of memorials between the parties. The Committee may decide to hold a public hearing.

The Committee then takes a decision on the merits of the complaint, which it forwards to the parties concerned and the Committee of Ministers in a *report*, which is made public within four months of its being forwarded.

Finally, the Committee of Ministers adopts a *resolution*. If appropriate, it may *recommend* that the state concerned take specific measures to bring the situation into line with the Charter.

Effects of the application of the Charter in the various states

As a result of the monitoring system, states make many changes to their legislation or practice in order to bring the situation into line with the

Charter. Details of these results (and current developments) are described in the "Survey", published annually by the Charter Secretariat (see below).

Where to find out more about the Charter

- the Charter database <http://hudoc.esc.coe.int/>, which can be accessed online or on CD Rom, makes it easy to find out about the case-law of the European Committee of Social Rights;
- the Charter website www.esc.coe.int contains, in particular, all the national reports and country-by-country fact sheets;
- the "Survey", published annually, shows the extent to which each country's domestic law complies with the Charter;
- the "Collected texts" contain all the basic texts;
- the summary bibliography is regularly updated.

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¹ European Trade Union Confederation (ETUC), Union of Industrial and Employers' Confederations of Europe (UNICE) and International Organisation of Employers (IOE).

Framework Convention for the Protection of National Minorities (Summary)

Open for signature by the member States of the Council of Europe, in Strasbourg, on 1 February 1995. Entry into force: 1 February 1998.

The Convention is the first legally binding multilateral instrument concerned with the protection of national minorities in general. Its aim is to protect the existence of national minorities within the respective territories of the Parties. The Convention seeks to promote the full and effective equality of national minorities by creating appropriate conditions enabling them to preserve and develop their culture and to retain their identity.

The Convention sets out principles relating to persons belonging to national minorities in the sphere of public life, such as:

- Non-discrimination
- Promotion of effective equality

- Promotion and preservation of culture, religion, language and traditions
- Freedom of peaceful assembly
- Freedom of association
- Freedom of expression
- Freedom of thought, conscience and religion
- The right to access to and use of the media,
- Freedoms relating to language and education
- Transfrontier contacts and co-operation
- Participation in economic, cultural and social life
- Prohibition of forced assimilation .

The European Charter for Regional or Minority Languages

The Charter, drawn up on the basis of a text put forward by the Standing Conference of Local and Regional Authorities of Europe, was adopted as a convention on 25 June 1992 by the Committee of Ministers of the Council of Europe, and was opened for signature in Strasbourg on 5 November 1992. It entered into force on 1 March 1998.

1. What purpose does the Charter serve?

The Charter is a convention designed to protect and promote regional and minority languages as a threatened aspect of Europe's cultural heritage. Its overriding purpose is cultural. It covers regional and minority languages, non-territorial languages and less widely used official languages. It is intended to ensure, as far as is reasonably possible, that regional or minority languages are used in education and in the media, to make possible and encourage their use in legal and administrative contexts, in economic and social life, for cultural activities and in transfrontier exchanges.

The Charter is based on an approach that abides by the principles of national sovereignty and territorial integrity. It does not conceive the relationship between official languages and regional or minority languages in terms of competition or antagonism. Development of the latter must not obstruct knowledge and promotion of the former.

Definitions

As defined by the Charter, "regional or minority languages" are languages traditionally used within a given territory of a state by nationals of that state who form a group numerically smaller than the rest of the state's population; they are different from the official language(s) of that state, and they include neither dialects of the official language(s) of the state nor the languages of migrants.

The expression "non-territorial languages" means languages used by nationals of the state which differ from the language(s) used by the rest of the state's population but which, although traditionally used within the state's territory, cannot be identified with a particular area thereof.

Eight fundamental principles applicable to all languages (Part II, Article 7)

- Recognition of regional or minority languages as an expression of cultural wealth.
- Respect for the geographical area of each regional or minority language.
- The need for resolute action to promote such languages.
- The facilitation and/or encouragement of the use of such languages, in speech and writing, in public and private life.
- The provision of appropriate forms and means for the teaching and study of such languages at all appropriate stages.
- The promotion of relevant transnational exchanges.
- The prohibition of all forms of unjustified distinction, exclusion, restriction or preference relating to the use of a regional or minority language and intended to discourage or endanger its maintenance or development.
- The promotion by states of mutual understanding between all the country's linguistic groups.

2. What commitments do states enter into?

The Charter is divided into two main parts, a general one containing the principles applicable to all the Parties and all regional or minority languages (Part II), and a second part which lays down specific practical commitments, which may vary according to the state and the language (Part III).

Part II sets out the main principles and objectives underlying states' policies, legislation and practice, and regarded as providing the necessary framework for the preservation of the languages concerned.

Part III serves to translate the general principles affirmed in Part II into precise rules. The rules relate to education, judicial authorities, administrative authorities and public services, the media, cultural activities and facilities, economic and social life and transfrontier exchanges. States undertake to apply those provisions of Part III to which they have subscribed.

Firstly they have to specify the languages to which they agree to this part being applied, and then they have to select at least thirty-five undertakings in respect of each. A large number of provisions consist of several options, of varying degrees of stringency, one of which has to be chosen "according to the situation of each language". The parties are encouraged subsequently to add to their commitments, as their legal situation develops or as their financial circumstances allow.

3. How can the honouring of commitments be guaranteed?

The Charter provides for a monitoring system enabling state parties, the Council of Europe and the general public, to follow and observe its implementation.

a. States' reports

States have to submit three-yearly reports to the Secretary General of the Council of Europe, explaining their policies and the action they have taken to fulfil the commitments they have undertaken. These reports are published and may be obtained from the states concerned and from the Council of Europe.

b. The report of the committee of independent experts

The Charter makes provision for a committee of independent experts to be established, comprising one member for each contracting party, appointed by the Committee of Ministers of the Council of Europe from a list of individuals of the highest integrity. The committee of experts is responsible for examining states' periodical reports, as well as any other information from associations and other bodies legally established in the state concerned and with an interest in the field of languages. The committee prepares and forwards to the Committee of Ministers of the Council of Europe a report of its own, including proposals for recommendations to be made to states.

c. The recommendations issued by the Committee of Ministers to states

Once it has considered the committee of experts' report, the Committee of Ministers may decide to make it public. It may also decide to make *recommendations* to states with a view to their taking the necessary action to bring their policies, legislation and practice into line with their obligations under the Charter.

d. Monitoring by the Parliamentary Assembly

Once every two years, the Secretary General of the Council of Europe has to present to the Parliamentary Assembly a detailed report on the application of the Charter. This ensures that the members of Europe's parliaments are kept informed about application, enabling them to bring political pressure to bear if necessary to encourage national governments to take appropriate measures.

e. The role of the NGO

NGOs must be regarded by states as preferred partners in the pursuit of the shared aim of promoting language diversity. Their role is decisive, both before and after ratification of the Charter. Prior to ratification, they may assist states to choose the languages concerned and the provisions of part III that they wish to apply within their territory. Their role in the monitoring of the honouring of commitments is to advise the committee of experts and the national authorities of any problem that may arise when the Charter is implemented in states.

Further information: Directorate General of Legal Affairs of the Council of Europe, Local and Regional Democracy (<http://www.local.coe.int>)

Evaluation and feedback form

You can also fill-in this form on-line at <http://www.coe.int/hre>

Your comments can make a difference in revising any new edition of Compass and in designing future workshops. Developing Compass has been an intensive and collaborative process of consultation, discussion and trying of materials. It would be very useful to know to what extent these resources meet the need of teachers and youth workers.

1. I have used the manual as (please tick as appropriate)

- teacher
- trainer of teachers
- youth worker
- trainer of youth workers
- youth or group leader
- Other (specify)

Mostly in:

- Formal education
- Non-formal education

At the

- Local level, please specify:
- National level, please specify:
- International level

With age group composed mostly of member(s):

- Under 15
- Between 15 and 18
- Between 20 and 25
- Between 25 and 30
- Over 30
- Mixed

My organisation or institution is:

.....

2. I have heard about the manual/obtained the manual through

.....

3. I have used the following parts and activities of the manual

.....

4. The parts and activities that I found most useful were

.....

because

.....

5. The part and activities that I found least useful were

.....

because

.....

6. My rating of the overall structure of the manual is

not useful | 2 3 4 5 most useful

7. My rating of the layout of the manual is

confusing | 2 3 4 5 very clear

8. My rating of the background information is

insufficient | 2 3 4 5 appropriate

9. My rating of the activities is

poor | 2 3 4 5 excellent

10. The resources helped the participants to develop a basic understanding of the issue

no | 2 3 4 5 broadened participants' knowledge

11. The resources had an impact on participants' attitudes and encouraged commitment for change

no | 2 3 4 5 changed participants' attitudes

12. There are factual inaccuracies/images I object to /perspectives I disagree with, for example

.....

13. My general recommendations for the revision of the manual are

.....

14. My recommendations for the revision of specific parts and activities are

.....

15. Other resources I would recommend to be included in the manual are (including title, author, publishes, language)

.....

16. Additional comments

.....

My name, address, phone, e-mail is (optional):

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