

DOWNLOAD PDF IMPLEMENTATION OF ARTICLE 57 OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS

Chapter 1 : Article 5 of the European Convention on Human Rights - Wikipedia

Implementation of Article 57 of the European Convention on Human Rights: replies of governments to the Secretary General's enquiry relating to the implementation of Articles 8, 9, 10, and 11 of the European Convention on Human Rights: Secretariat memorandum.

Article 12 of the European Convention on Human Rights Article 12 provides a right for women and men of marriageable age to marry and establish a family. Despite a number of invitations, the Court has so far refused to apply the protections of this article to same-sex marriage. The Court has defended this on the grounds that the article was intended to apply only to different-sex marriage, and that a wide margin of appreciation must be granted to parties in this area. In *Goodwin v United Kingdom* the Court ruled that a law which still classified post-operative transsexual persons under their pre-operative sex, violated article 12 as it meant that transsexual persons were unable to marry individuals of their post-operative opposite sex. This reversed an earlier ruling in *Rees v United Kingdom*. The European Court of Human Rights ruled in *Schalk and Kopf v Austria* that countries are not required to provide marriage licenses for same-sex couples, however if a country allows same-sex couple marriage it must be done so under the same conditions that opposite-sex couples marriage face: Additionally, the court ruled in the case of *Oliari and Others v Italy* , that states have a positive obligation to ensure there is a specific legal framework for the recognition and protection of same-sex couples.

Article 13 "effective remedy"[edit] Article 13 provides for the right for an effective remedy before national authorities for violations of rights under the Convention. The inability to obtain a remedy before a national court for an infringement of a Convention right is thus a free-standing and separately actionable infringement of the Convention. Article 14 "discrimination"[edit] Article 14 contains a prohibition of discrimination. This prohibition is broad in some ways and narrow in others. It is broad in that it prohibits discrimination under a potentially unlimited number of grounds. Thus, an applicant must prove discrimination in the enjoyment of a specific right that is guaranteed elsewhere in the Convention e. It has been said that laws regarding familial sexual relationships or incest are in breach of Article 14 when combined with Article 8.

Article 15 "derogations"[edit] Article 15 allows contracting states to derogate from certain rights guaranteed by the Convention in a time of "war or other public emergency threatening the life of the nation". Permissible derogations under article 15 must meet three substantive conditions: There must be some formal announcement of the derogation and notice of the derogation, any measures adopted under it, and the ending of the derogation must be communicated to the Secretary-General of the Council of Europe [31] As of , eight member states had ever invoked derogations. Operation Demetrius "Internees arrested without trial pursuant to "Operation Demetrius" could not complain to the European Commission of Human Rights about breaches of Article 5 because on 27 June , the UK lodged a notice with the Council of Europe declaring that there was a "public emergency within the meaning of Article 15 1 of the Convention". The Court has ruled that European Union member states cannot consider the nationals of other member states to be aliens. This addresses instances where states seek to restrict a human right in the name of another human right, or where individuals rely on a human right to undermine other human rights for example where an individual issues a death threat.

Article 18 "permitted restrictions"[edit] Main article: Article 18 of the European Convention on Human Rights Article 18 provides that any limitations on the rights provided for in the Convention may be used only for the purpose for which they are provided. For example, Article 5, which guarantees the right to personal freedom, may be explicitly limited in order to bring a suspect before a judge. To use pre-trial detention as a means of intimidation of a person under a false pretext is, therefore, a limitation of right to freedom which does not serve an explicitly provided purpose to be brought before a judge , and is therefore contrary to Article Convention protocols[edit] As of January [update] , fifteen protocols to the Convention have been opened for signature. These can be divided into two main groups: The former require unanimous ratification by member states before coming into force, while the latter require a certain number of states to sign before

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coming into force. Protocol 1[edit] This Protocol contains three different rights which the signatories could not agree to place in the Convention itself. It does not however guarantee any particular level of education of any particular quality. Turkey the Court ruled that: Although that Article does not impose a duty on the Contracting States to set up institutions of higher education, any State doing so will be under an obligation to afford an effective right of access to them. In a democratic society, the right to education, which is indispensable to the furtherance of human rights, plays such a fundamental role that a restrictive interpretation of the first sentence of Article 2 of Protocol No. United Kingdom 28 EHRR Protocol 4 " civil imprisonment, free movement, expulsion[edit] Article 1 prohibits the imprisonment of people for inability to fulfil a contract. Article 2 provides for a right to freely move within a country once lawfully there and for a right to leave any country. Article 3 prohibits the expulsion of nationals and provides for the right of an individual to enter a country of his or her nationality. Article 4 prohibits the collective expulsion of foreigners. Turkey and the United Kingdom have signed but never ratified Protocol 4. Greece and Switzerland have neither signed nor ratified this protocol. Specifically, several classes of "British national" such as British National Overseas do not have the right of abode in the United Kingdom and are subject to immigration control there. In , the UK government stated that it had no plans to ratify Protocol 4 because of concerns that those articles could be taken as conferring that right. Every Council of Europe member state has signed and ratified Protocol 6, except Russia , which has signed but not ratified. Article 2 provides for the right to appeal in criminal matters. Article 3 provides for compensation for the victims of miscarriages of justice. Article 4 prohibits the re-trial of anyone who has already been finally acquitted or convicted of a particular offence Double jeopardy. Article 5 provides for equality between spouses. Despite having signed the protocol more than thirty years ago Germany and the Netherlands have never ratified it. Turkey, which signed the protocol in , ratified it in , becoming the latest member state to do so. The United Kingdom has neither signed nor ratified the protocol. Protocol 12 to the European Convention on Human Rights Applies the current expansive and indefinite grounds of prohibited discrimination in Article 14 to the exercise of any legal right and to the actions including the obligations of public authorities. The Protocol entered into force on 1 April and has As of March [update] been ratified by 20 member states. They believe that the phrase "rights set forth by law" might include international conventions to which the UK is not a party, and would result in incorporation of these instruments by stealth. The UK government, nevertheless, "agrees in principle that the ECHR should contain a provision against discrimination that is free-standing and not parasitic on the other Convention rights". Bosnia and Herzegovina , was delivered in Protocol 13 " complete abolition of death penalty[edit] Protocol 13 provides for the total abolition of the death penalty. Armenia has signed but not ratified the protocol. Russia and Azerbaijan have not signed it. These amendments have, with the exception of Protocol 2, amended the text of the convention. Protocol 2 did not amend the text of the convention as such but stipulated that it was to be treated as an integral part of the text. All of these protocols have required the unanimous ratification of all the member states of the Council of Europe to enter into force. Protocol 11[edit] Protocols 2, 3, 5, 8, 9 and 10 have now been superseded by Protocol 11 which entered into force on 1 November. Previously states could ratify the Convention without accepting the jurisdiction of the Court of Human Rights. The protocol also abolished the judicial functions of the Committee of Ministers. Protocol 14[edit] Protocol 14 follows on from Protocol 11 in proposing to further improve the efficiency of the Court. It seeks to "filter" out cases that have less chance of succeeding along with those that are broadly similar to cases brought previously against the same member state. Furthermore, a case will not be considered admissible where an applicant has not suffered a "significant disadvantage". This latter ground can only be used when an examination of the application on the merits is not considered necessary and where the subject-matter of the application had already been considered by a national court. A new mechanism was introduced by Protocol 14 to assist enforcement of judgements by the Committee of Ministers. The Committee can ask the Court for an interpretation of a judgement and can even bring a member state before the Court for non-compliance of a previous judgement against that state. Protocol 14 also allows for European Union accession to the

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Convention. It entered into force on 1 June. It allowed single judges to reject manifestly inadmissible applications made against the states that have ratified the protocol. It also extended the competence of three-judge chambers to declare applications made against those states admissible and to decide on their merits where there already is a well-established case law of the Court.

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Chapter 2 : Human rights handbooks

European Convention on Human Rights as amended by Protocols Nos. 11 and 14 supplemented by Protocols Nos. 1, 4, 6, 7, 12, 13 and 3 The text of the Convention is.

All provisions which had been amended or added by these Protocols are replaced by Protocol No. As from that date, Protocol No. 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. 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: No one shall be required to perform forced or compulsory labour. For the purpose of this article the term "forced or compulsory labour" shall not include: No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law: 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. Everyone arrested or detained in accordance with the provisions of paragraph 1. Release may be conditioned by guarantees to appear for trial. 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. 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. 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. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law. Everyone charged with a criminal offence has the following minimum rights: Nor shall a heavier penalty be imposed than the one that was applicable at the time the criminal offence was committed. 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. 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. 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. 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. 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. 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. 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

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such measures have ceased to operate and the provisions of the Convention are again being fully executed. It shall function on a permanent basis. Article 20 " Number of judges[edit] The Court shall consist of a number of judges equal to that of the High Contracting Parties. Article 21 " Criteria for office[edit] The judges shall be of high moral character and must either possess the qualifications required for appointment to high judicial office or be jurisconsults of recognised competence. The judges shall sit on the Court in their individual capacity. 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[edit] 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. 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[edit] 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. 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. 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. 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. The terms of office of judges shall expire when they reach the age of 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[edit] 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[edit] 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[edit] The plenary Court shall: Article 27 " Committees, Chambers and Grand Chamber[edit] 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. 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. 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[edit] 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[edit] If no decision is taken under Article 28, a Chamber shall decide on the admissibility and merits of individual applications submitted under Article A Chamber shall decide on the admissibility and merits of inter-State applications submitted under Article 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[edit] 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

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the Grand Chamber, unless one of the parties to the case objects. Article 32 " Jurisdiction of the Court[edit] 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 In the event of dispute as to whether the Court has jurisdiction, the Court shall decide. Article 33 " Inter-State cases[edit] 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[edit] Chart of Declarations under former Articles 25 and 46 of the ECHR 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[edit] 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. The Court shall not deal with any application submitted under Article 34 that: 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. 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[edit] 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. 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[edit] 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: 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. 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[edit] If the Court declares the application admissible, it shall: Proceedings conducted under paragraph 1. Article 39 " Finding of a friendly settlement[edit] 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[edit] Hearings shall be in public unless the Court in exceptional circumstances decides otherwise. Documents deposited with the Registrar shall be accessible to the public unless the President of the Court decides otherwise. Article 41 " Just satisfaction[edit] 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[edit] Judgments of Chambers shall become final in accordance with the provisions of Article 44, paragraph 2. Article 43 " Referral to the Grand Chamber[edit] 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. 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. If the panel accepts the request, the Grand Chamber shall decide the case by means of a judgment. Article 44 " Final judgments[edit] The judgment of the Grand Chamber shall be final. The judgment of a Chamber shall become final: The final judgment shall be published. Article 45 " Reasons for judgments and decisions[edit] Reasons shall be given for judgments as well as for decisions declaring applications admissible or inadmissible. 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 "

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Binding force and execution of judgments[edit] The High Contracting Parties undertake to abide by the final judgment of the Court in any case to which they are parties. The final judgment of the Court shall be transmitted to the Committee of Ministers, which shall supervise its execution. Article 47 â€” Advisory opinions[edit] 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. 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. 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 â€” Advisory jurisdiction of the Court[edit] 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 Article 49 â€” Reasons for advisory opinions[edit] Reasons shall be given for advisory opinions of the Court. 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. Advisory opinions of the Court shall be communicated to the Committee of Ministers. Article 51 â€” Privileges and immunities of judges[edit] 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. 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. The provisions of this Convention shall be applied in such territories with due regard, however, to local requirements. Reservations of a general character shall not be permitted under this article.

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Chapter 3 : Article 10 of the European Convention on Human Rights - Wikipedia

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All provisions which had been amended or added by these Protocols are replaced by Protocol No. 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. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law: Release may be conditioned by guarantees to appear for trial. 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. Nor shall a heavier penalty be imposed than the one that was applicable at the time the criminal offence was committed. 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. 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. 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. It shall function on a permanent basis. 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. They shall, however, continue to deal with such cases as they already have under consideration. The Court shall be assisted by legal secretaries. 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. The decision shall be final. The High Contracting Parties undertake not to hinder in any way the effective exercise of this right. It may do so at any stage of the proceedings. 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. Reservations of a general character shall not be permitted under this article. It shall be ratified. Ratifications shall be deposited with the Secretary General of the Council of Europe. Done at Rome this 4th day of November , 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. Heading added according to the provisions of Protocol No. The articles of this Section are renumbered according to the provisions of Protocol No. Text amended according to the provisions of Protocol No.

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Chapter 4 : European Convention on Human Rights and its Five Protocols

Article 10 of the European Convention on Human Rights Article 10 of the European Convention on Human Rights provides the right to freedom of expression and information, subject to certain restrictions that are "in accordance with law" and "necessary in a democratic society".

Article 1 – 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. 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. Article 3 – Prohibition of torture No one shall be subjected to torture or to inhuman or degrading treatment or punishment. Article 4 – Prohibition of slavery and forced labour 1No one shall be held in slavery or servitude. Article 5 – Right to liberty and security 1Everyone 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: Release may be conditioned by guarantees to appear for trial. Article 6 – Right to a fair trial 1In 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. Article 7 – No punishment without law 1No 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. Article 8 – Right to respect for private and family life 1Everyone has the right to respect for his private and family life, his home and his correspondence. Article 9 – Freedom of thought, conscience and religion 1Everyone 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. Article 10 – Freedom of expression 1Everyone 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. Article 11 – Freedom of assembly and association 1Everyone 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. 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 12 – 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 13 – 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 14 – Prohibition of discrimination The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. Article 15 – Derogation in time of emergency 1In 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. It shall also inform

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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 16 – 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 17 – 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 18 – 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. 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 1The judges shall be of high moral character and must either possess the qualifications required for appointment to high judicial office or be jurisconsults of recognised competence. Article 22 – Election of judges 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.

Chapter 5 : University of Minnesota Human Rights Library

Article 5 of the European Convention on Human Rights (Art.5 ECHR for short) provides that everyone has the right to liberty and security of calendrierdelascience.comy and security of the person are taken as a "compound" concept - security of the person has not been subject to separate interpretation by the Court.

Chapter 6 : European Convention on Human Rights - Wikipedia

The European Convention on Human Rights. 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 10 December ;.

Chapter 7 : Article 8 of the European Convention on Human Rights - Wikipedia

Human rights handbooks, No. 1 The right to respect for private and family life A guide to the implementation of Article 8 of the European Convention.