



ΠΑΡΑΡΤΗΜΑ ΠΡΩΤΟ  
ΤΗΣ ΕΠΙΣΗΜΗΣ ΕΦΗΜΕΡΙΔΑΣ ΤΗΣ ΔΗΜΟΚΡΑΤΙΑΣ  
Αρ. 2133 της 11ης ΑΠΡΙΛΙΟΥ 1986  
ΝΟΜΟΘΕΣΙΑ

Ο περί του Πρωτοκόλλου Αρ. 8 της Ευρωπαϊκής Σύμβασης για την Προάσπιση των Ανθρωπίνων Δικαιωμάτων (Κυρωτικός) Νόμος του 1986 εκδίδεται με δημοσίευση στην επίσημη εφημερίδα της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος.

Αριθμός 35 του 1986

ΝΟΜΟΣ ΚΥΡΩΝ ΤΟ ΠΡΩΤΟΚΟΛΛΟ ΑΡ. 8 ΤΗΣ ΕΥΡΩΠΑΪΚΗΣ  
ΣΥΜΒΑΣΗΣ ΓΙΑ ΤΗΝ ΠΡΟΑΣΠΙΣΗ ΤΩΝ ΑΝΘΡΩΠΙΝΩΝ  
ΔΙΚΑΙΩΜΑΤΩΝ ΚΑΙ ΘΕΜΕΛΙΩΔΩΝ ΕΛΕΥΘΕΡΙΩΝ.

Η Βουλή των Αντιπροσώπων ψηφίζει τα ακόλουθα:

1. Ο Νόμος αυτός θα αναφέρεται ως ο περί του Πρωτοκόλλου Αρ. 8 της Ευρωπαϊκής Σύμβασης για την Προάσπιση των Ανθρωπίνων Δικαιωμάτων (Κυρωτικός) Νόμος του 1986 και θα εφαρμόζεται σε συνδυασμό με τον περί της Ευρωπαϊκής Συμβάσεως διά την Προάσπισιν των Ανθρωπίνων Δικαιωμάτων (Κυρωτικόν) Νόμον του 1962 και τον περί της Ευρωπαϊκής Συμβάσεως διά την Προάσπισιν των Ανθρωπίνων Δικαιωμάτων (Πρωτόκολλα) (Κυρωτικόν) Νόμον του 1968.

Συνοπτικός  
τίτλος.

39 του 1962.

118 του 1968.

2. Στον παρόντα Νόμο, εκτός αν από το κείμενο προκύπτει διαφορετική έννοια—

Ερμηνεία.

«Πρωτόκολλο» σημαίνει το Πρωτόκολλο αρ. 8 της Σύμβασης για την Προάσπιση των Ανθρωπίνων Δικαιωμάτων και Θεμελιωδών Ελευθεριών το οποίο έγινε στη Βιέννη στις 19 Μαρτίου 1985 και του οποίου το αγγλικό κείμενο εκτίθεται στο Πρώτο Μέρος του Πίνακα και σε ελληνική μετάφραση στο Δεύτερο Μέρος του Πίνακα:

Πίνακας.  
Πρώτο Μέρος  
Δεύτερο Μέρος.

Νοείται ότι σε περίπτωση αντίθεσης μεταξύ των δυο κειμένων υπερισχύει το κείμενο του πρώτου Μέρους του Πίνακα.

Κύρωση  
Πρωτοκόλλου.

3. Με το Νόμο αυτό κυρώνεται το Πρωτόκολλο, του οποίου η υπογραφή εκ μέρους της Κυπριακής Δημοκρατίας έχει εγκριθεί από το Υπουργικό Συμβούλιο με την Απόφασή του αρ. 26.312 και ημερομηνία 3 Οκτωβρίου 1985.

## ΠΙΝΑΚΑΣ

(Άρθρο 2)

### ΠΡΩΤΟ ΜΕΡΟΣ

#### PROTOCOL No. 8

#### TO THE CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

The member States of the Council of Europe, signatories to this Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms, signed at Rome on 4 November 1950 (hereinafter referred to as "the Convention"),

Considering that it is desirable to amend certain provisions of the Convention with a view to improving and in particular to expediting the procedure of the European Commission of Human Rights,

Considering that it is also advisable to amend certain provisions of the Convention concerning the procedure of the European Court of Human Rights,

Have agreed as follows:

#### Article 1

The existing text of Article 20 of the Convention shall become paragraph 1 of that Article and shall be supplemented by the following four paragraphs:

"2. The Commission shall sit in plenary session. It may, however, set up Chambers, each composed of at least seven members. The Chambers may examine petitions submitted under Article 25 of this Convention which can be dealt with on the basis of established case law or which raise no serious question affecting the interpretation or application of the Convention. Subject to this restriction and to the provisions of paragraph 5 of this Article, the Chambers shall exercise all the powers conferred on the Commission by the Convention.

The member of the Commission elected in respect of a High Contracting Party against which a petition has been lodged shall have the right to sit on a chamber to which that petition has been referred.

3. The Commission may set up committees, each composed of at least three members, with the power, exercisable by a unanimous vote, to declare inadmissible or strike from its list of cases a petition submitted under Article 25, when such a decision can be taken without further examination.

4. A Chamber or committee may at any time relinquish jurisdiction in favour of the plenary Commission, which may also order the transfer to it of any petition referred to a Chamber or committee.

5. Only the plenary Commission can exercise the following powers:

- (a) the examination of applications submitted under Article 24;
- (b) the bringing of a case before the Court in accordance with Article 48a;
- (c) the drawing up of rules of procedure in accordance with Article 36".

## Article 2

Article 21 of the Convention shall be supplemented by the following third paragraph:

“3. The candidates shall be of high moral character and must either possess the qualifications required for appointment to high judicial office or be persons of recognised competence in national or international law”.

## Article 3

Article 23 of the Convention shall be supplemented by the following sentence:

“During their term of office they shall not hold any position which is incompatible with their independence and impartiality as members of the Commission or the demands of this office”.

## Article 4

The text, with modifications, of Article 28 of the Convention shall become paragraph 1 of that Article and the text, with modifications, of Article 30 shall become paragraph 2. The new text of Article 28 shall read as follows:

## “Article 28

1. In the event of the Commission accepting a petition referred to it:
  - (a) it shall, with a view to ascertaining the facts, undertake together with the representatives of the parties an examination of the petition and, if need be, an investigation, for the effective conduct of which the States concerned shall furnish all necessary facilities, after an exchange of views with the Commission;
  - (b) it shall at the same time 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 this Convention.
2. If the Commission succeeds in effecting a friendly settlement, it shall draw up a Report which shall be sent to the States concerned, to the Committee of Ministers and to the Secretary General of the Council of Europe for publication. This Report shall be confined to a brief statement of the facts and of the solution reached”.

## Article 5

In the first paragraph of Article 29 of the Convention, the word “unanimously” shall be replaced by the words “by a majority of two-thirds of its members”.

## Article 6

The following provision shall be inserted in the Convention:

## “Article 30

1. The Commission may at any stage of the proceedings decide to strike a petition out of its list of cases where the circumstances lead to the conclusion that:
  - (a) the applicant does not intend to pursue his petition, or

- (b) the matter has been resolved, or
- (c) for any other reason established by the Commission, it is no longer justified to continue the examination of the petition.

However, the Commission shall continue the examination of a petition if respect for Human Rights as defined in the Convention so requires.

2. If the Commission decides to strike a petition out of its list after having accepted it, it shall draw up a Report which shall contain a statement of the facts and the decision striking out the petition together with the reasons therefor. The Report shall be transmitted to the parties, as well as to the Committee of Ministers for information. The Commission may publish it.

3. The Commission may decide to restore a petition to its list of cases if it considers that the circumstances justify such a course”.

#### Article 7

In Article 31 of the Convention, paragraph 1 shall read as follows:

“1. If the examination of a petition has not been completed in accordance with Article 28 (paragraph 2), 29 or 30, the Commission shall draw up a Report on the facts and state its opinion as to whether the facts found disclose a breach by the State concerned of its obligations under the Convention. The individual opinions of members of the Commission on this point may be stated in the Report”.

#### Article 8

Article 34 of the Convention shall read as follows:

“Subject to the provisions of Articles 20 (paragraph 3) and 29, the Commission shall take its decisions by a majority of the members present and voting”.

#### Article 9

Article 40 of the Convention shall be supplemented by the following seventh paragraph:

“7. The members of the Court shall sit on the Court in their individual capacity. During their term of office they shall not hold any position which is incompatible with their independence and impartiality as members of the Court or the demands of this office”.

#### Article 10

Article 41 of the Convention shall read as follows:

“The Court shall elect its president and one or two Vice-Presidents for a period of three years. They may be re-elected”.

#### Article 11

In the first sentence of Article 43 of the Convention, the word “seven” shall be replaced by the word “nine”.