

No. 2889

**BELGIUM, DENMARK, FRANCE,
FEDERAL REPUBLIC OF GERMANY, ICELAND, etc.**

Convention for the Protection of Human Rights and Fundamental Freedoms. Signed at Rome, on 4 November 1950

Protocol to the above-mentioned Convention. Signed at Paris, on 20 March 1952

Official texts: English and French.

Registered on 11 August 1955 by the Council of Europe acting on behalf of the Contracting Parties in accordance with Resolution (54) 6 of the Committee of Ministers of the Council of Europe adopted on 3 April 1954.

**BELGIQUE, DANEMARK, FRANCE,
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE, ISLANDE, etc.**

Convention de sauvegarde des droits de l'homme et des libertés fondamentales. Signée à Rome, le 4 novembre 1950

Protocole additionnel à la Convention susmentionnée. Signé à Paris, le 20 mars 1952

Textes officiels anglais et français.

Enregistrés le 11 août 1955 par le Conseil de l'Europe agissant au nom des parties contractantes conformément à la résolution (54) 6 adoptée le 3 avril 1954 par le Comité des Ministres du Conseil de l'Europe.

No. 2889. CONVENTION¹ FOR THE PROTECTION OF
HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS.
SIGNED AT ROME, ON 4 NOVEMBER 1950

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;²

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

¹ In accordance with article 66, the Convention came into force on 3 September 1953, after the deposit of the tenth instrument of ratification, in respect of the following signatories, on behalf of which the instruments of ratification were deposited with the Secretary-General of the Council of Europe on the dates indicated:

United Kingdom of Great Britain and Northern Ireland	8 March	1951
Extension to certain territories for whose international relations the United Kingdom are responsible (for the list of territories see p. 258)		
Norway	15 January	1952
(With reservation, see p. 258)		
*Sweden	4 February	1952
*Federal Republic of Germany	5 December	1952
(With reservations, see pp. 258 and 260)		
Saar	14 January	1953
*Ireland	25 February	1953
(With reservation, see p. 260)		
Greece	28 March	1953
*Denmark	13 April	1953
Iceland	29 June	1953
Luxembourg	3 September	1953

The Convention subsequently came into force in respect of the following States on the dates of deposit of their respective instruments of ratification:

Turkey	18 May	1954
*Netherlands	31 August	1954
*Belgium	14 June	1955

* With declarations regarding articles 25 and 46 of the Convention (see p. 260).

² United Nations, *Official Records of the Third Session of the General Assembly, Part I (A/810)*, p. 71.

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 1

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

SECTION I

Article 2

(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 3

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

Article 4

- (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 5

(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 to 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 6

(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 7

(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.