



THE EUROPEAN CONVENTION ON HUMAN RIGHTS

Protecting our rights
across Europe

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

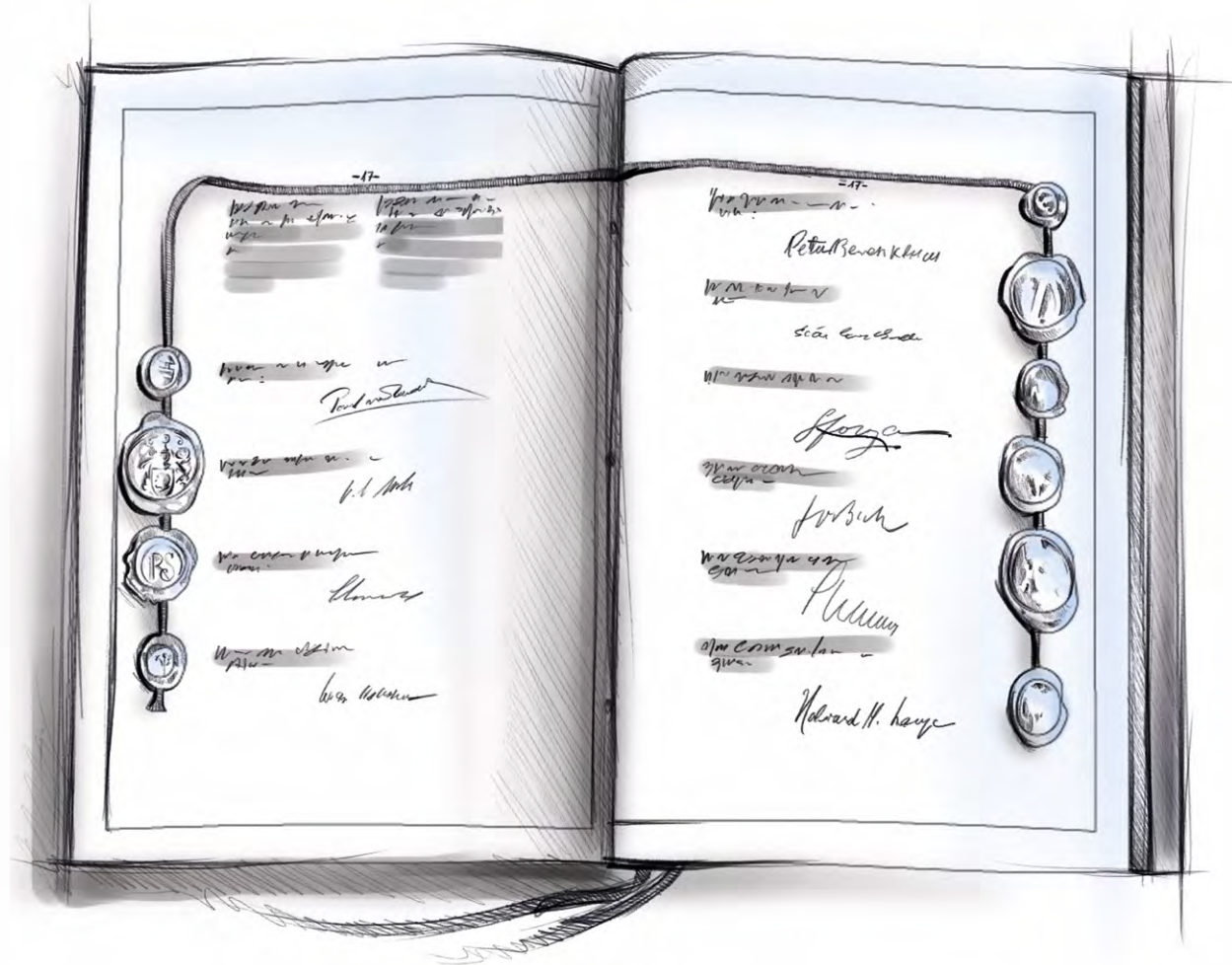
WHAT IS THE EUROPEAN CONVENTION ON HUMAN RIGHTS?

The European Convention on Human Rights is an international treaty that safeguards the rights and freedoms of over 700 million Europeans. It ensures protection in areas such as life, liberty, fair trial and freedom of thought.

The 46 member states of the Council of Europe are bound by its provisions, and its principles are enforced by the European Court of Human Rights in Strasbourg, France.

The European Convention on Human Rights

- ▶ was adopted in 1950 and;
- ▶ safeguards fundamental rights.
- ▶ 16 protocols amend and supplement the original text.



KEY PROTECTIONS AND BANS UNDER THE CONVENTION

Rights and freedoms



- ▶ The right to life and security
- ▶ Freedom of expression and assembly
- ▶ Freedom of thought, conscience and religion
- ▶ The right to respect for private and family life
- ▶ The right to a fair trial
- ▶ The rights to vote and to stand for election

Prohibitions



- ▶ Torture
- ▶ Forced labour
- ▶ The death penalty
- ▶ Discrimination
- ▶ Arbitrary or unlawful detention

RIGHT TO LIFE

(Article 2)

This right ensures that everyone's life is protected by law. States are obligated to prevent the loss of life, whether from criminal acts, unsafe working conditions, environmental hazards or other dangers.

Case examples

McCann and Others v. United Kingdom (1995): this case concerned the fatal shooting of three suspected Irish Republican Army (IRA) members by British security forces in Gibraltar. The European Court of Human Rights ruled that, while the soldiers acted under orders, the planning and control of the operation lacked the necessary safeguards to prevent loss of life. This judgment underscored the obligation of states to minimise the use of lethal force in security operations.

Renolde v. France (2008): the Court found a violation of the right to life when the French authorities failed to protect a prisoner with known mental health issues, who committed suicide in custody. This led to enhanced protections for vulnerable detainees across Europe.

Brincat and Others v. Malta (2014): Maltese workers were exposed to asbestos in government-run shipyards, resulting in deaths and illnesses. The judgment reinforced states' obligations to protect individuals from environmental hazards.



Cannavacciuolo and Others v. Italy (2025): the applicants lived in the Campania region, which was affected for decades by widespread and uncontrolled toxic waste dumping. The Court held that the Italian authorities had failed to deal diligently with this systematic and long-lasting pollution and had not taken all the steps required to safeguard the lives of the applicants.

PROHIBITION OF TORTURE AND INHUMAN TREATMENT

(Article 3)

Torture, inhuman treatment and degrading punishment are prohibited under any circumstances, including during war or terrorism investigations. States must investigate claims of mistreatment and hold perpetrators accountable.

Case examples

Tyrer v. United Kingdom (1978): a schoolboy subjected to judicial corporal punishment argued it violated his dignity. The Court found that "birching" constituted degrading treatment under Article 3, setting a precedent against corporal punishment.

Saadi v. Italy (2008): the deportation of a man to Tunisia, where he faced a risk of torture, was blocked, illustrating the Convention's power to protect against ill-treatment.

Vinter and Others v. United Kingdom (2013): the Court ruled that life sentences without the possibility of parole violate Article 3 unless there is a mechanism to review the sentence and consider release.



Bouyid v. Belgium (2015): police officers slapped two brothers during questioning, thus violating their dignity. The Court emphasised the duty of law enforcement to respect the fundamental rights of individuals.

In this text, the "Court" refers to the European Court of Human Rights and "the Convention" refers to the European Convention on Human Rights.

PROHIBITION OF SLAVERY AND FORCED LABOUR

(Article 4)

States are required to guarantee the practical and effective protection of individuals against such slavery and forced labour. Military service, prison work, service imposed in cases of emergency or disaster and normal civic obligations are not considered as servitude or forced labour.

Case examples

Siliadin v. France (2005): a Togolese domestic worker forced to work without pay or legal protections was found to be in servitude. The Court ruled that France had failed to provide effective safeguards against slavery, reinforcing protections under Article 4.

S.M. v. Croatia (2020): a Croatian woman coerced into prostitution was found to be a victim of trafficking. The Court ruled that Croatia had failed to conduct an effective investigation, underlining that internal trafficking falls under Article 4.



RIGHT TO LIBERTY AND SECURITY

(Article 5)

States must protect individuals from unlawful or arbitrary deprivation of liberty. Detention is allowed only in strictly defined situations. Anyone who is detained has the right to have their detention reviewed quickly by a court, to challenge its lawfulness and to obtain compensation if the detention is found to be unlawful.

Case examples

Frommelt v. Liechtenstein (2004): the Court examined the extension of pre-trial detention without the detainee or his lawyer being able to present their arguments. It found the procedure violated Article 5, paragraph 4, emphasising the necessity of effective judicial review and the right to challenge detention.

Şahin Alpay v. Turkey (2018): this case involved the detention of a journalist following the 2016 attempted coup. The Court ruled the detention was unlawful and arbitrary, highlighting that deprivation of liberty must be based on sufficient evidence and lawful grounds and be subject to judicial oversight.

Selahattin Demirtaş v. Türkiye (No. 4) (2025): this case involved the detention of a political figure. The Court ruled that the detention was arbitrary, emphasising the importance of judicial oversight and the prohibition of detention for political reasons.



RIGHT TO A FAIR TRIAL (Article 6)

Everyone is entitled to a fair and public hearing by an impartial tribunal. This includes the presumption of innocence, the right to legal representation and the ability to appeal decisions.

Case examples

Steel and Morris v. United Kingdom (2005): two activists were sued for libel by McDonald's in what became known as the "McLibel" case. The Court found the United Kingdom had violated Article 6 by failing to provide legal aid, as the applicants were unable to mount an effective defence against a powerful corporation.

Ibrahim and Others v. United Kingdom (2016): during terrorism investigations, suspects were denied access to legal counsel during early questioning. The Court ruled this violated their right to a fair trial.

Denisov v. Ukraine (2018): a judge removed from his post argued the decision lacked fairness. The Court found that procedural safeguards for impartiality were breached.

Yüksel Yalçinkaya v. Türkiye (2023): the applicant had been convicted of membership in a terrorist organisation based on his use of the encrypted messaging app "ByLock". The Court held that there had been serious shortcomings in the proceedings because the applicant had not been given sufficient access to the ByLock data concerning him.



RIGHT TO RESPECT FOR PRIVATE AND FAMILY LIFE (Article 8)

Article 8 guarantees individuals' privacy, including their home, correspondence and family relationships, while also requiring states to protect these rights from external threats.

Case examples

Marckx v. Belgium (1979): the Court found that Belgian laws treating children born out of wedlock differently than other children violated Article 8 and Article 14 of the Convention. This case reshaped inheritance and family rights across Europe.

Dudgeon v. United Kingdom (1981): this case decriminalised homosexuality in Northern Ireland. The Court held that criminalising consensual same-sex relationships violated the right to respect for private life under Article 8.

Von Hannover v. Germany (2004): Princess Caroline of Monaco sought to prevent paparazzi from publishing private photos. The Court ruled in her favour, reinforcing privacy protections even for public figures.



Bărbulescu v. Romania (2017): a man was dismissed for using his work e-mail for private messages. The Court held that monitoring his communications without clear safeguards breached his privacy rights. This case clarified the balance between employer oversight and employees' privacy.

FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION

(Article 9)

Article 9 protects the freedom to practice one's religion in private or in public and the right to change religion. States may not interfere in the internal affairs of a religious community.

Case examples

Hasan and Chaush v. Bulgaria (2000): the Court addressed state interference in the appointment of the Chief Mufti of the Muslim community. It emphasised the state's obligation to remain neutral in religious matters and protect the autonomy of religious communities.

Lautsi v. Italy (2011): the Court initially ruled that displaying crucifixes in public school classrooms violated the principle of neutrality under Article 9. However, on appeal to the Grand Chamber, it found that the practice fell within Italy's cultural context and was not a violation.



S.A.S. v. France (2014): the applicant, a Muslim woman, challenged the French law banning the concealment of the face in public places, arguing that it prevented her from wearing the full-face veil. The Court found that there had been no violation of Article 9 in the case, since the measure pursued the legitimate aim of ensuring the conditions of "living together" in French society.

FREEDOM OF EXPRESSION

(Article 10)

Freedom to express opinions and criticise is essential in a democracy. Article 10 protects the right to share ideas and information, while also considering responsibilities, such as respecting others' rights. The media are given special protections to help ensure this freedom.

Case examples

Lopes Gomes da Silva v. Portugal (2000): a journalist convicted of libel against a politician argued his freedom of expression had been violated. The Court ruled in favour of protecting press freedom.

Times Newspapers Ltd. v. United Kingdom (2009): the Court addressed archived online articles containing defamatory statements. It ruled that maintaining such archives did not, in principle, constitute a violation of freedom of expression but stressed the need to strike a balance between media rights and protecting reputations, for instance, by adding a warning or an update to the archived articles.



Kövesi v. Romania (2020): the Court ruled that the removal of Romania's chief anti-corruption prosecutor for criticising legislative reforms violated her freedom to express legitimate concerns about judicial independence.

Bouton v. France (2022): the Court found a violation of Article 10 in this case, which concerned a Femen activist who had appeared topless in a church to protest against the Catholic Church's position on abortion. The Court held that, while states may protect religious sensibilities, imposing a criminal sanction in this context had been disproportionate and infringed upon the freedom of expression.

FREEDOM OF ASSEMBLY AND ASSOCIATION

(Article 11)

Everyone can peacefully gather and join groups or associations, with restrictions allowed only to protect public safety, order or the rights of others.

Case examples

Ramazanova and Others v. Azerbaijan (2007): the authorities delayed registering a non-governmental organisation (NGO) advocating for vulnerable communities. The Court held that this undermined the right to freedom of association.

Demir and Baykara v. Turkey (2008): the applicants, municipal civil servants, had formed a trade union which concluded a collective agreement with the local authority. The agreement was later annulled with retrospective effect, and their union rights were curtailed. The Court held that this interference undermined both the right to form trade unions and the right to engage in collective bargaining.



Lutsenko and Verbytsky v. Ukraine (2021): this case arose from the suppression of peaceful protests during Ukraine's Euromaidan movement. The Court ruled that abuses aimed at intimidating protesters violated their right to freedom of assembly.

Humpert and Others v. Germany (2023): the applicants, teachers with civil-servant status, had been disciplined for taking part in strikes during working hours. The Court found that there had been no violation of Article 11 in this case and accepted that Germany's prohibition of strikes for teachers with a status of civil servant was aimed at ensuring the proper functioning of public administration, including education.

RIGHT TO MARRY

(Article 12)

Everyone can marry and start a family according to national laws, without discrimination. Article 12 concerns marriage between a man and a woman. The Court has not extended this right to same-sex marriages, leaving the decision to legalise such marriages to individual states.

Case example

Schalk and Kopf v. Austria (2010): the Court examined the case of a same-sex couple denied the right to marry under Austrian law. It ruled that Article 12 protects the right to marry in the traditional sense (between a man and a woman) and that states have discretion over extending marriage to same-sex couples. It should be noted that same-sex marriage has been legally permitted in Austria since 1 January 2019, following a Supreme Court ruling to that effect.



PROHIBITION OF DISCRIMINATION

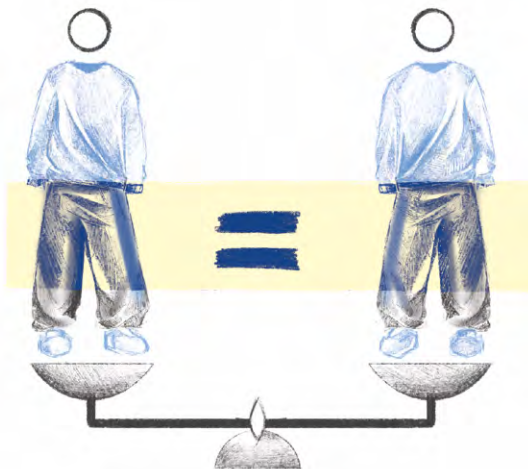
(Article 14, as well as Protocol No. 12 to the Convention)

Prohibiting discrimination means reaffirming the equality principle, which states that all human beings are born and remain equal in rights and dignity, regardless of the colour of their skin, their gender or sexual orientation, their languages, political and religious convictions or their origins).

Case examples

D.H. and Others v. Czech Republic (2007): the Court ruled that placing Roma¹ children in special schools based on language tests was discriminatory. This case highlighted the need to address systemic inequality in education.

Aghdgomelashvili and Japaridze v. Georgia (2020): during a raid on a lesbian, gay, bisexual and transgender (LGBT) organisation, police officers threatened and humiliated the applicants based on their sexual orientation. The Court found violations of both Article 3 and Article 14, thus reinforcing protections against discrimination based on sexuality.



Budinova and Chaprazov v. Bulgaria (2021): in this case, the Court found a violation of Article 14 on account of the failure of the Bulgarian court to afford redress to Roma individuals for discriminatory public statements made by the leader of a political party.

Basu v. Germany (2022): the Court found a violation of Article 14 when the authorities had failed to effectively investigate allegations of racial profiling by the police during an identity check on a train.

¹The term "Roma and Travellers" is used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the populations designated under the administrative term "Gens du voyage", as well as persons who identify themselves as Gypsies. The present is an explanatory footnote, not a definition of the terms Roma and/or Travellers.

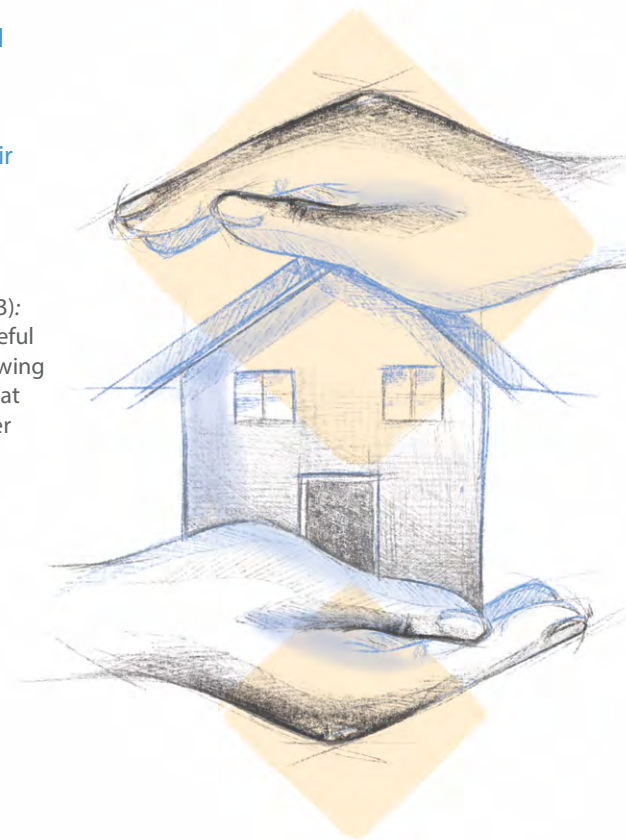
PROTECTION OF PROPERTY

(Article 1 of the Additional Protocol to the Convention)

States must respect the right to peaceful enjoyment of property. No one can be deprived of their possessions except in the public interest and under the conditions provided by law, including fair compensation.

Case example

Papamichalopoulos and Others v. Greece (1993): in this case, the violation of the right to peaceful enjoyment of property was established following the *de facto* expropriation of a plot of land that was confiscated by the state and handed over to the navy for a military base.



RIGHT TO EDUCATION

(Article 2 of the Additional Protocol to the Convention)

Everyone can access education according to the law, and parents have the right to ensure their children receive education in line with their own religious and philosophical beliefs.

Case example

Folgerø and Others v. Norway (2007): the Court held that Norway's compulsory religious and ethical classes in public schools violated Article 2 of the Convention because the system of partial exemption did not sufficiently protect parents' right to educate their children in conformity with their religious beliefs.



RIGHT TO FREE ELECTIONS

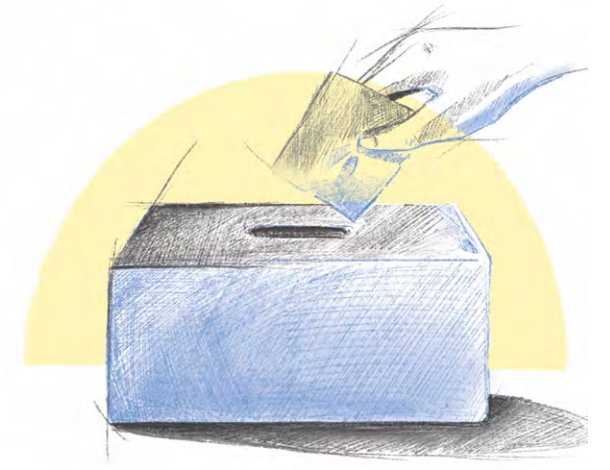
(Article 3 of the Additional Protocol to the Convention)

States must guarantee free and fair elections at reasonable intervals, ensuring that citizens can choose their representatives through a genuine democratic process.

Case examples

Podkolzina v. Latvia (2002): a woman was disqualified from running for parliament because of a language proficiency test. The Court found this to be discriminatory, and that it violated her right to stand for election, under Article 3 of the additional protocol.

Hirst v. United Kingdom (No. 2) (2005): the Court found that the United Kingdom's blanket ban on prisoner voting violated Article 3 of the Additional Protocol to the Convention, affirming the importance of proportionality in restricting voting rights.



ABOLITION OF THE DEATH PENALTY

(Protocol Nos. 6 and 13 to the Convention)

Abolition of the death penalty is one of the conditions for becoming a member of the Council of Europe (Protocol No. 6). Today, the death penalty in peacetime has been abolished throughout Europe. In accordance with Protocol No. 13 to the Convention, the abolition of the death penalty applies even in time of war.

Case examples

Öcalan v. Turkey (2005): the leader of the Kurdistan Workers' Party was sentenced to death after an unfair trial. The Court ruled this violated his rights, contributing to Türkiye's eventual abolition of the death penalty in peacetime.

Bader and Kanbor v. Sweden (2005): a Syrian man faced deportation after receiving a death sentence in his home country. The Court found this would violate his right to life and the prohibition against torture.



A “LIVING INSTRUMENT” - ADAPTING TO NEW CHALLENGES

The Convention evolves through the Case law of the Court, addressing modern issues such as the following.

Measures blocking access to the internet

In 2012, the Court found that there had been a violation of Article 10 (freedom of expression) of the Convention in the *Ahmet Yıldırım v. Turkey* case, where an interim order of the Turkish court had incidentally blocked access to a large number of third-party websites hosted on the Google site's hosting service in addition to the website concerned.

Responsibility of internet portals for anonymous comments posted by their users

In 2015, the Court found that there had been no violation of Article 10 (freedom of expression) of the Convention in the *Delfi AS v. Estonia* case. The applicant company, which operated one of the largest news portals in Estonia, was held liable for offensive comments posted by readers about an online article. The Court considered this a justified and proportionate restriction on freedom of expression, stressing that the comments had been clearly unlawful and highly offensive, that Delfi had not acted quickly enough to remove them and that the modest fine imposed was not excessive.



Retention of biometric data

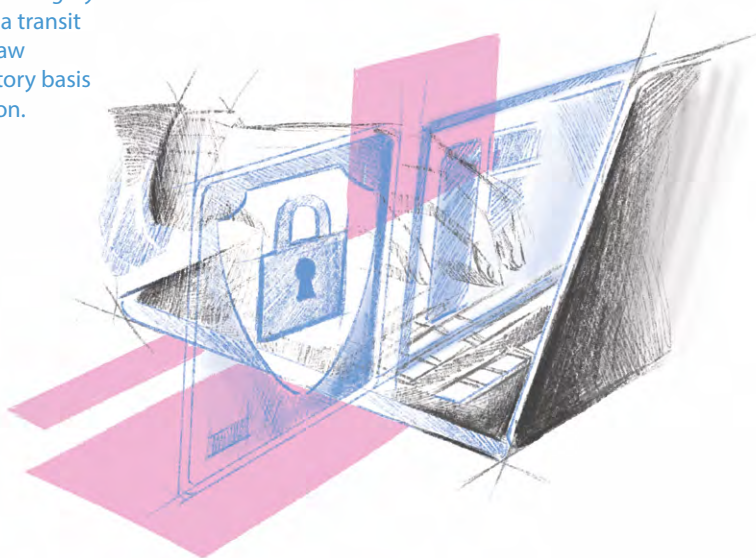
In 2020, the Court found that there had been a violation of Article 8 (right to respect for private and family life) of the Convention in the *Trajkovski and Chipovski v. North Macedonia* case, where it established that indefinite retention of DNA profiles of convicted persons by the authorities had been disproportionate.

Digital privacy

In 2021, in the *Big Brother Watch and others v. United Kingdom* case the Court found that there had been a violation of Article 8 (right to respect for private and family life) and Article 10 (freedom of expression) of the Convention after the applicants, journalists and NGOs complained about the scope and magnitude of the electronic surveillance programmes operated by the Government of the United Kingdom. In particular, the Court held that the respondent state had failed to ensure sufficient safeguards under electronic surveillance schemes.

Detention of migrants

In 2021, the Court found that there had been a violation of Article 3 (prohibition of torture) and Article 5 (right to liberty and security) of the Convention in the *R.R. and Others v. Hungary* case, where the applicants had stayed in a transit zone for several months, with domestic law providing neither a strictly defined statutory basis nor a maximum length of such a detention.



Freedom to publish works depicting same-sex relationships

In 2023, the Court found that there had been a violation of Article 10 (freedom of expression) in the *Macatė v. Lithuania* case. A children's fairy tale book portraying same-sex relationships was temporarily suspended and later labelled as harmful to children under 14. The Court concluded that these measures lacked a legitimate aim and unjustifiably interfered with the author's and readers' rights.

Environmental rights

In 2024, the Court found that there had been a violation of Article 8 (right to respect for private and family life) of the Convention in the *Verein Klima Seniorinnen Schweiz and Others v. Switzerland* case. A group of elderly women and their association complained that insufficient government action to mitigate climate change had endangered their health and quality of life.

The Court held that Article 8 covers a right to effective protection from the adverse effects of climate change and found that Switzerland had failed to meet its obligations, including by not setting adequate greenhouse gas limits or meeting past reduction targets.

Dealing with the health crises

In 2024, the Court found that there had been no violation of Article 8 (right to respect for private and family life) of the Convention in the *Pasquinelli and Others v. San Marino* case in connection with the imposition of employment-related measures on healthcare and social health workers for refusing to get vaccinated against Covid-19.

Protection of migrants against “pushbacks”

In 2025, the Court found that there had been a violation of Article 3 (prohibition of torture) of the Convention in the *A.R.E. v. Greece* case. The case concerned the applicant's “pushback” from Greece to Türkiye, from where she had fled. Even though she had expressed fears as to the ill-treatment to which she might be subjected if she were sent back, the Greek authorities had ignored her request for international protection.



These challenges demonstrate that human rights must constantly adapt to the transformations of the contemporary world while ensuring the protection of everyone, especially the most vulnerable.

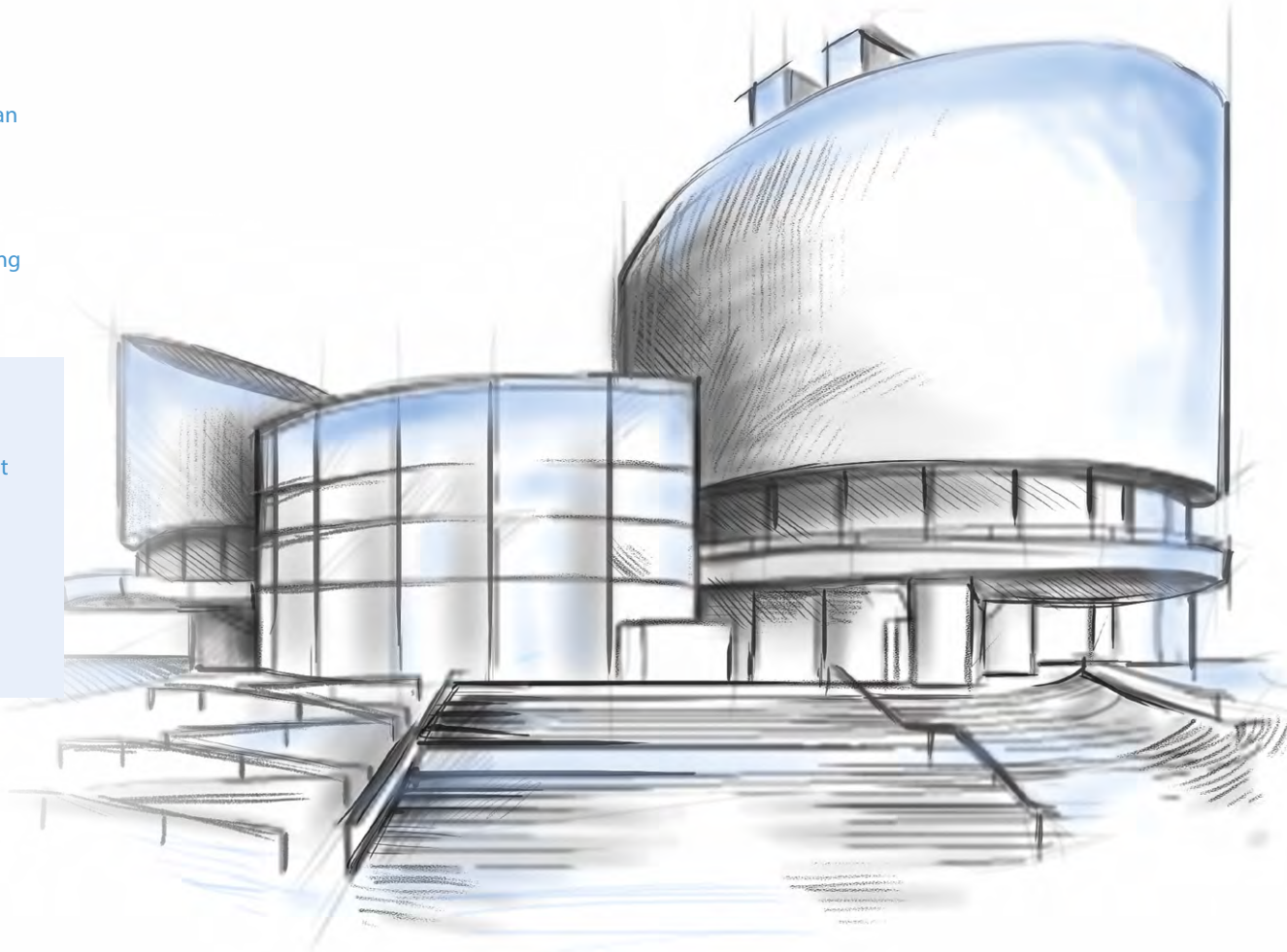
THE EUROPEAN COURT OF HUMAN RIGHTS: HOW IT WORKS

Founded in 1959, the European Court of Human Rights, handles cases concerning violations of rights under the European Convention on Human Rights.

Most applicants are individuals claiming breaches of their rights, with the Court's binding decisions compelling states to take action to prevent future violations.

The European Court of Human Rights

- ▶ It is a court of justice that ensures respect for fundamental rights based in Strasbourg.
- ▶ It has 46 independent judges.
- ▶ It can condemn governments.
- ▶ Its judgments are binding.



Who can apply to the Court?

- ▶ An **individual** who believes their fundamental rights have been violated, after having exhausted all remedies before the national courts.
- ▶ Any **member state** if it considers that another member state is violating the European Convention on Human Rights.

How are cases processed?

- ▶ **Application:** cases are filed by individuals or states alleging rights violations.
- ▶ **Admissibility:** the Court examines if all national remedies have been exhausted and other criteria have been met.
- ▶ **Friendly settlement:** the Court may encourage parties to resolve disputes amicably.
- ▶ **Judgment:** if no settlement is reached, the Court delivers a binding ruling. If a violation is found, the state must take corrective actions.
- ▶ **Execution:** the Committee of Ministers oversees the implementation of judgments.

Did you know?

Since its establishment in 1959, the Court has dealt with well over 1 million applications and handed down nearly 30 000 judgments.

EXECUTION OF JUDGMENTS – TURNING DECISIONS INTO ACTION

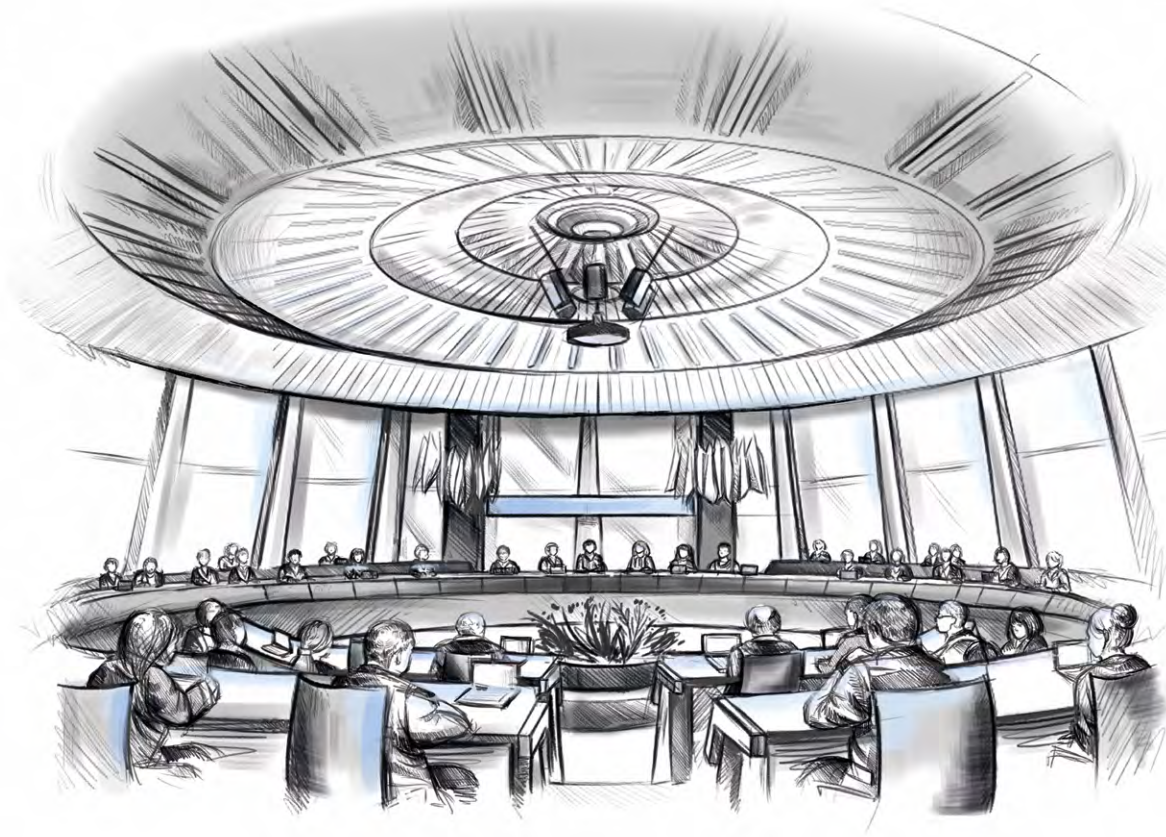
Once the Court has delivered a judgment, the state must implement measures to comply, such as:

- ▶ individual measures: providing compensation, releasing detainees or reinstating rights;
- ▶ general measures: amending laws, improving prison conditions or addressing systemic issues.

The Committee of Ministers of the Council of Europe oversees the implementation process.

The Committee of Ministers

It is a decision-making body that represents the governments of the member states of the Council of Europe and is made up of ministers for foreign affairs or their ambassadors.



Examples of national reforms implemented following rulings of the Court

- ▶ Austria ended the monopoly applying to television.
- ▶ Belgium amended its laws on homeless people.
- ▶ Bulgaria created an alternative to military service for conscientious objectors.
- ▶ The Czech Republic amended its asylum law.
- ▶ Denmark extended the right not to belong to a trade union.
- ▶ France, Spain and the United Kingdom passed laws on telephone tapping.
- ▶ Greece improved detention conditions for foreigners awaiting deportation.
- ▶ Italy introduced new remedies in respect of conditions of detention.
- ▶ The Netherlands amended its legislation on the detention of patients with mental illnesses.
- ▶ Poland introduced changes in legislation and criminal policy and constructed new penitentiary facilities to avoid prison overcrowding.
- ▶ Slovenia took measures to prevent ill-treatment by the police.
- ▶ Sweden amended its provisions on public trials.
- ▶ Switzerland carried out two legislative reforms to remove discriminatory limits in respect of the lack of choice of a surname after a marriage.
- ▶ Türkiye abolished the presence of military judges in state security courts.
- ▶ Ukraine amended its libel legislation.

How can you learn more and engage ?

► Visit the Impact of the European Convention on Human Rights' website

Discover how the Court's judgments influence lives across Europe. The Convention's Impact website features case studies, stories and multimedia content that showcase the real-world effects of human rights protection.

<https://www.coe.int/echr/>



► Dive into the Court's Knowledge Sharing platform

Access detailed summaries of key judgments and explore how the Court's case law evolves. The platform offers structured insights, thematic overviews and tools to help you navigate and understand the Court's jurisprudence.

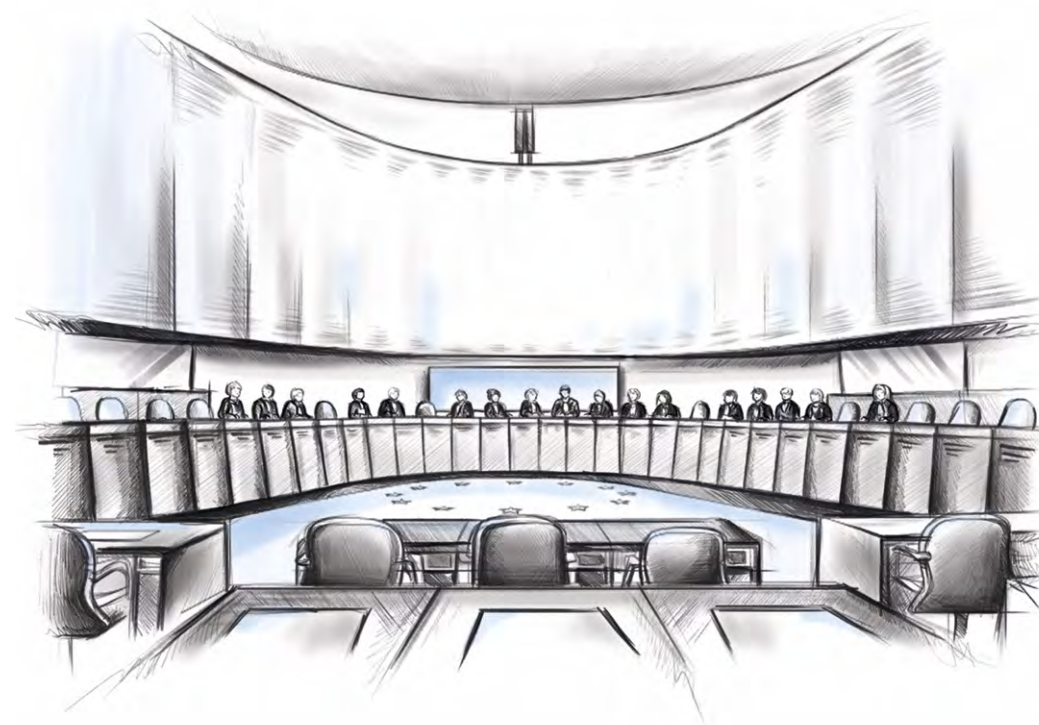
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► Participate in courses of the Council of Europe Human Rights Education for Legal Professionals (HELP) programme

Join free online courses on a wide range of human rights topics. The HELP platform offers practical, self-paced training designed for legal professionals and anyone interested in deepening their understanding of human rights standards.

<https://www.coe.int/en/web/help/courses>



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Explore the European Convention on Human Rights with this clear and accessible guide.

Discover the key rights guaranteed by the Convention, with concise, easy-to-read summaries of landmark and recent case law that show how these rights have a positive impact on everyday life.

Understand how the Convention's protection mechanisms allow individuals and states to seek justice, and how the decisions of European Court of Human Rights shape national laws and directly affect our daily lives.

Learn how the Convention evolves through protocols and through the European Court of Human Rights' new case law, adapting to emerging challenges like digital privacy and environmental protection, and shaping human rights that matter in everyday life.

Access clear, easy-to-read case law summaries and references, making this brochure an essential resource for students, legal practitioners and anyone seeking to understand how human rights shape everyday life.

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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

COUNCIL OF EUROPE



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