



# The European Convention on Human Rights in practice

Teaching resources



COUNCIL OF EUROPE



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# **The European Convention on Human Rights in practice**

## Teaching resources

2024 Edition

reviewed by Volodymyr Boriak  
and Oleg Soldatov

Council of Europe

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**H**uman rights belong to everyone: every man, woman and child.  
They are universal standards which allow us all to live our lives in dignity.  
They are built on ideals of fairness, respect and equality.

**In a word, freedom.**

Defending human rights is at the heart of the mission of the Council of Europe.

These worksheets provide clarification on the European Convention on Human Rights and are a dynamic tool for pupils about learning and understanding their rights.

**The “theory” section (1 to 10)** describes, in simplified terms, the work of the Council of Europe, the Convention and the European Court of Human Rights. It also details the Court’s case law and its impact on national laws, influencing our everyday lives.

**The “practical” section (11 to 14)** suggests various human rights-related analysis, research and discussion exercises and activities.



# The European Convention on Human Rights in practice

## Teaching resources

### CONTENTS

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1	THE COUNCIL OF EUROPE – GUARDIAN OF HUMAN RIGHTS	7
2	GREATER EUROPE – 46 MEMBER STATES	8
3	SPOTLIGHT ON THE EUROPEAN CONVENTION ON HUMAN RIGHTS – A CONVENTION GUARANTEEING HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS	9
4	SPOTLIGHT ON THE COURT – THE ROLE OF THE EUROPEAN COURT OF HUMAN RIGHTS	10
5	HOW THE EUROPEAN COURT OF HUMAN RIGHTS WORKS – SUBMITTING AN APPLICATION	11
6	APPLICATION LIFE CYCLE – CASE-PROCESSING FLOW CHART	12
7	EXECUTION AND IMPACTS OF JUDGMENTS – WHAT HAPPENS AFTER THE COURT GIVES ITS JUDGMENT?	13
8	THE EUROPEAN CONVENTION ON HUMAN RIGHTS IN A NUTSHELL – SIMPLIFIED VERSION OF SELECTED ARTICLES AND PROTOCOLS*	15
9	FOCUS ON OUR RIGHTS	17
10	DEATH PENALTY	28
11	CASE STUDIES	30
12	PRACTICAL EXERCISES	36
13	QUIZ – SEE HOW MUCH YOU KNOW	38
14	OTHER COUNCIL OF EUROPE TEXTS PROTECTING HUMAN RIGHTS	39

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# 1 THE COUNCIL OF EUROPE

## Guardian of human rights

### The Council of Europe's main objectives are:

- to protect human rights, pluralist democracy and the rule of law
- to promote awareness and encourage the development of Europe's cultural identity and diversity
- to find common solutions to the challenges facing European society, such as racism, all forms of discrimination, terrorism, human trafficking, corruption, cybercrime and violence against children and women
- to consolidate democratic stability in Europe by implementing political, legislative and constitutional reform.



### The Council of Europe uses the following bodies to achieve these objectives:

- ▶ **the Committee of Ministers:** the decision-making body comprising the foreign ministers of the member states or their permanent representatives based in Strasbourg
- ▶ **the Parliamentary Assembly (PACE):** the deliberative body, whose members are appointed by national parliaments. There are 306 members and 306 substitutes
- ▶ **the Congress of Local and Regional Authorities:** the consultative body representing local and regional authorities
- ▶ **the European Court of Human Rights (the "Court"):** the judicial body guaranteeing the rights enshrined in the European Convention on Human Rights for everyone under its jurisdiction
- ▶ **the Commissioner for Human Rights:** an independent official whose role is to promote education in, awareness of and respect for human rights in member states
- ▶ **the Conference of INGOs:** the Council of Europe is open to dialogue with over 300 international non-governmental organisations (INGOs) that have been granted participatory status
- ▶ **the Secretary General:** elected as head of the Organisation by the PACE for a five-year term, is responsible for the strategic planning and direction of the Council's work programme and budget and oversees the day-to-day management of the Organisation
- ▶ **the Secretariat:** over 2 200 members of staff from all 46 member states work at the Council of Europe's headquarters in Strasbourg (France) or in other offices in Europe.

→ [www.coe.int](http://www.coe.int)

# 2 GREATER EUROPE

## 46 member states

Founded in 1949 by 10 states, the Council of Europe is an international organisation with its headquarters in Strasbourg (France).

**Today, it has 46 member states, representing 700 million people.\***

### Founding members (5 May 1949)

Belgium  
Denmark  
France  
Ireland  
Italy  
Luxembourg  
Netherlands  
Norway  
Sweden  
United Kingdom

### Other member states (in the order they joined)

Greece (1949)  
Türkiye (1949)  
Iceland (1950)  
Germany (1950)  
Austria (1956)  
Cyprus (1961)  
Switzerland (1963)  
Malta (1965)  
Portugal (1976)  
Spain (1977)  
Liechtenstein (1978)  
San Marino (1988)  
Finland (1989)  
Hungary (1990)  
Poland (1991)  
Bulgaria (1992)  
Estonia (1993)  
Lithuania (1993)  
Slovenia (1993)  
Czechia (1993)  
Slovakia (1993)  
Romania (1993)  
Andorra (1994)  
Latvia (1995)  
Albania (1995)  
Republic of Moldova (1995)  
North Macedonia (1995, previously "The former Yugoslav Republic of Macedonia")  
Ukraine (1995)  
Croatia (1996)  
Georgia (1999)  
Armenia (2001)  
Azerbaijan (2001)  
Bosnia and Herzegovina (2002)  
Serbia (2003)  
Monaco (2004)  
Montenegro (2007)



\* The Russian Federation had been a member of the Council of Europe between 1996 and 2022. On 16 March 2022, the Committee of Ministers reaffirmed that the Russian Federation's aggression against Ukraine was a serious violation of its obligations under Article 3 of the Statute of the Council of Europe. Consequently, the Russian Federation ceased to be a member of the Council of Europe as of 16 March 2022.

# 3 SPOTLIGHT ON THE EUROPEAN CONVENTION ON HUMAN RIGHTS

A convention guaranteeing human rights and fundamental freedoms

## ? DID YOU KNOW?

The European Convention on Human Rights is directly based on the Universal Declaration of Human Rights, adopted by the United Nations General Assembly in 1948.

The European Convention on Human Rights (the “Convention”) is an international treaty adopted in Rome in 1950 which entered into force in 1953. It was the first Council of Europe convention to deal with the protection of human rights. States must ratify the Convention in order to join the Organisation.

### The Convention protects the right to

- ▶ life, freedom and security
- ▶ respect for private and family life
- ▶ freedom of expression
- ▶ freedom of thought, conscience and religion
- ▶ vote in and stand for elections
- ▶ a fair trial in civil and criminal matters
- ▶ property and peaceful enjoyment of possessions.

### It prohibits

- ▶ torture or inhuman or degrading treatment or punishment
- ▶ slavery and forced labour
- ▶ arbitrary and unlawful detention
- ▶ discrimination in the enjoyment of the rights and freedoms secured by the Convention
- ▶ deportation of a state’s own nationals or denying them entry
- ▶ the death penalty
- ▶ the collective deportation of foreigners.



Since 1950, the Convention has undergone various amendments and has given rise to many other Council of Europe conventions. It is made up of a number of articles, supplemented over the years by protocols adding new rights to the Convention. The case law of the European Court of Human Rights (the “Court”) makes the Convention a “living instrument”, able to adapt to the changes taking place in our societies.

### International treaty

Agreement between states designed to produce legal effects in their mutual relations.

### Convention

A convention is a legal agreement between two or more states. States are invited to first sign a convention, showing that they want to follow what it says, then, when they are sure that they are able to do so, they can “ratify” it – this means they commit themselves to its values and instructions.

### Protocol to the Convention

A protocol to the Convention is a text which adds one or more rights to the original Convention, or amends certain of its provisions. Protocols which add rights to the Convention are binding only on those states that have signed and ratified them. To date, 16 additional protocols to the Convention have been adopted.

→ [www.coe.int/echr](http://www.coe.int/echr)

## 4 SPOTLIGHT ON THE COURT

### The role of the European Court of Human Rights

#### DID YOU KNOW?

Europe is not the only continent to have a court protecting human rights. There are two other regional courts: the Inter-American Court of Human Rights and the African Court on Human and Peoples' Rights.

Set up in 1959, the European Court of Human Rights is a judicial body guaranteeing the rights enshrined in the European Convention on Human Rights for everyone under the jurisdiction of a contracting state. There has been a single Court since 1 November 1998, which sits permanently in Strasbourg (France).

The number of judges at the Court is the same as that of the states parties to the Convention. The judges are totally independent, do not represent their country and are elected by the Parliamentary Assembly of the Council of Europe.

Since its creation, the Court has delivered more than 34 000 judgments. These judgments are binding on the states concerned and require them to erase the consequences of violations for the applicants and amend their legislation and practices in numerous areas under the supervision of the Committee of Ministers. The Convention evolves through the Court's case law as a living instrument to face new challenges and as a force for the consolidation of the rule of law and democracy throughout Europe.

Because of the significant increase in the number of cases brought before the Court, several reforms have been initiated. Since 2010, four high-level conferences on the future of the Court have been convened to identify and implement the means to guarantee the long-term effectiveness of the Convention system.



#### Judgment

The ruling delivered by the European Court of Human Rights regarding the merits of a case, or in other words, the actual complaints. A judgment should not be confused with a decision.

#### Decision

A Court decision relating to the admissibility of an application. This is when the Court verifies that all the requirements have been fulfilled.

#### Application or case

Dispute to be settled by a court.

#### Complaints

The reason for the application. Complaints are examined when the Court deals with the merits of an application.

#### Inadmissible

An application which is unfounded or insufficiently well-founded is declared inadmissible and dismissed.

→ [www.echr.coe.int](http://www.echr.coe.int)

# 5 HOW THE EUROPEAN COURT OF HUMAN RIGHTS WORKS

## Submitting an application

### DID YOU KNOW?

Applicants are not obliged to submit their application in one of the Court's two official languages (English and French); they may submit it in any of the official languages of the countries which have ratified the Convention. Hearings take place in the Human Rights Building in Strasbourg. They are public unless otherwise decided by the President of the Chamber or Grand Chamber.

### Who can bring a case to the Court?

Cases can be brought directly by individuals or states who believe their rights have been violated. So, the Convention differentiates between two types of application:

- ▶ individual applications, lodged by an individual, group of individuals or a non-governmental organisation against one or more states;
- ▶ interstate applications, brought by one state against another.

Since the Court was established, almost all applications have been lodged by individuals.

### The formal requirements

First of all, the Court has to look at whether an application is admissible. To be admissible, it must fulfil certain conditions set out in the Convention. For example, applicants must prove that they have "exhausted all domestic remedies" (generally speaking this means that the highest court in their country has dismissed their complaint), and they must submit their application within four months of the final decision taken in their country.

If the application is deemed to be admissible, the Court encourages the parties (the applicant and the state concerned) to reach a friendly settlement. For example, a country might agree to pay compensation, and the application is withdrawn. If there is no friendly settlement, the Court then examines the "merits" of the case, that is, it looks at whether or not there has been a violation of the Convention.



### Application/applicant

The Convention makes a distinction between two types of applications: individual applications (lodged by any person, group of individuals, company or NGO) and inter-state applications (brought by one state against another).

### Admissibility

An application must comply with certain requirements (for example, all domestic remedies must have been exhausted, it must be submitted within four months and it must relate to a violation of a right protected by the Convention), otherwise, it will be declared inadmissible by the Court, without the complaint actually being examined.

### Friendly settlement

An agreement between the parties which consequently puts an end to the application, if the Court considers that the human rights interest is not sufficient to the case being maintained. When the applicant and the state in question agree to settle their dispute in this way, the outcome is usually that the state pays the applicant a sum of money.

# 6 APPLICATION LIFE CYCLE

## Case-processing flow chart

### ? DID YOU KNOW?

The judges are elected by the Parliamentary Assembly of the Council of Europe from lists of three candidates proposed by each state. They are elected for a non-renewable term of nine years.

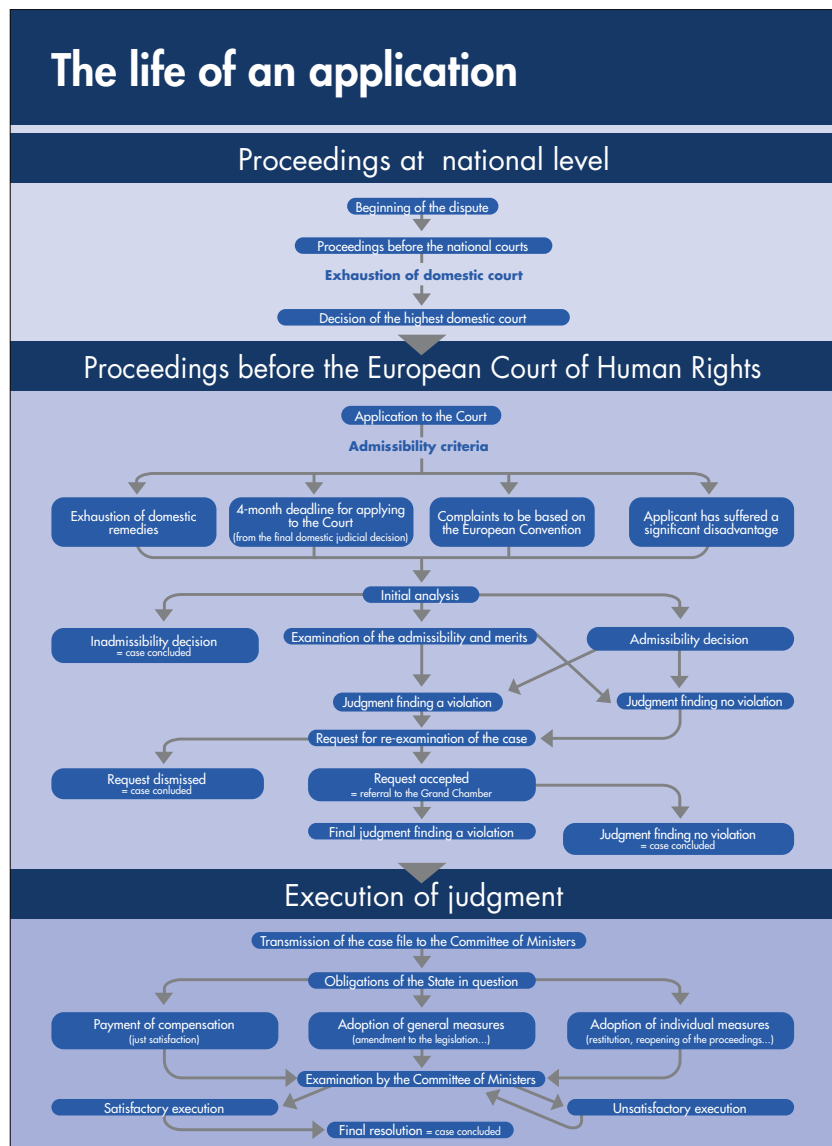
#### Grand Chamber

This is the enlarged formation of the Court, comprising 17 judges. The Grand Chamber may hear a case on appeal, or cases which raise serious human rights issues may be referred to it.

#### Just satisfaction: pecuniary damage and non-pecuniary damage

When the Court finds against a state and observes that the applicant has sustained damage, it may award him or her just satisfaction, that is, a sum of money by way of compensation for that damage.

The damage may be "pecuniary" (loss of property or source of income) or "non-pecuniary" (suffering, affront to a person's dignity, etc.)



# 7 EXECUTION AND IMPACTS OF JUDGMENTS

## What happens after the Court gives its judgment?

### ? DID YOU KNOW?

The execution of a judgment continues to be under the supervision of the Committee of Ministers until the desired results are achieved.

There are about 3 819 cases pending before the Committee of Ministers (December 2023)\*

The Court's judgments are binding. This means that when it finds a violation, the country in question is obliged to execute the judgment, taking measures to ensure that a similar violation cannot take place and to erase the consequences for the victim. The Court may also order the state to pay the applicant a sum of money as "just satisfaction", in that the money in question serves as compensation. Other specific measures may also be necessary, such as releasing the applicant if he or she is being detained, re-establishing contact with the applicant's child, granting him or her a resident's permit, etc.

It is the Committee of Ministers of the Council of Europe which is responsible for monitoring the application of the Court's judgments: it helps states identify the necessary measures and find solutions when the adoption of certain measures encounters against problems. In addition, it assesses the effectiveness of the measures taken for the applicant and for any other persons who might find themselves in the same situation.



### Examples of general measures taken by states following a Court judgment:

- ▶ Austria ended the monopoly applying to television
- ▶ Belgium amended its laws on homeless people and adopted measures to prohibit any discrimination against children born outside of marriage
- ▶ Bulgaria created an alternative to military service for conscientious objectors
- ▶ Croatia started applying the proportionality test in eviction cases
- ▶ Czechia amended its asylum law
- ▶ Denmark extended the right not to belong to a trade union
- ▶ Finland amended its law on child custody and visiting rights
- ▶ France, Spain and the United Kingdom passed laws on telephone tapping
- ▶ Germany gave celebrities a greater right not to have their private photographs published
- ▶ Greece improved detention conditions for foreigners awaiting deportation
- ▶ Hungary introduced fairer decision making with regard to the prolongation of remand in custody
- ▶ Ireland decriminalised homosexual acts
- ▶ Italy introduced new remedies in respect of conditions of detention
- ▶ Latvia abolished discriminatory language tests for election candidates
- ▶ Moldova recognised freedom of religion
- ▶ 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

\* Without the Russian Federation cases.

- ▶ Romania decriminalised defamation and slander
- ▶ the Slovak Republic amended its legislation on child placement
- ▶ 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
- ▶ the United Kingdom banned corporal punishment in schools.

### Examples of individual measures taken by states following a Court judgment:

- ▶ in Azerbaijan, an applicant who had been wrongfully dismissed was reinstated
- ▶ in Bosnia and Herzegovina, an applicant's savings were restored to her
- ▶ in Bulgaria, the Principal State Prosecutor asked for the reopening of a trial judged to be unfair
- ▶ in Croatia, an applicant was given back his passport, which was held by the authorities
- ▶ in Cyprus, an applicant was able to vote
- ▶ in Czechia, an applicant was awarded a retirement pension that had been suspended
- ▶ in Finland, parents were able to give their son the name of their choice, which had been rejected by the authorities
- ▶ in Georgia, an applicant who had been arbitrarily detained was released
- ▶ in Germany, the father of a child born out of wedlock and abandoned by his mother was granted custody in Greece; applicants were able to open a school

- ▶ in Hungary, a historian was granted access to classified documents
- ▶ in Latvia, an applicant detained in conditions unsuited to his age (84 years) was released
- ▶ in Lithuania, data relating to an applicant were erased from the list of foreigners forbidden to reside in the country
- ▶ in Moldova, a church was recognised and registered
- ▶ in Montenegro, the person unlawfully occupying the applicant's apartment was evicted
- ▶ in Poland, the record of an applicant's conviction for libel was erased
- ▶ in Portugal, a father was once more allowed to see his son
- ▶ in Romania, the National Bar re-examined a case and readmitted the applicant into the legal profession
- ▶ in the Slovak Republic, an applicant was able to challenge a paternity decision
- ▶ in Spain, the domestic courts in the reopened proceedings acquitted the applicants for a lack of evidence
- ▶ in Switzerland, a father was able to find his child, taken by the child's mother and kept concealed in Mozambique
- ▶ in Türkiye, bans on political activities imposed on members of dissolved parties were lifted
- ▶ in Ukraine, a Supreme Court judge was reinstated following his arbitrary dismissal
- ▶ in the United Kingdom, an applicant was acknowledged as being the victim of chemical tests during his military service and, as a result, his pension was increased.

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**Landmark judgments** → [www.coe.int/en/web/human-rights-convention/landmark-judgments](http://www.coe.int/en/web/human-rights-convention/landmark-judgments)

**Country factsheets** → <https://www.coe.int/en/web/human-rights-convention/impact-in-46-countries>

**Video on the supervision process** → [www.coe.int/en/web/execution/supervision-video](http://www.coe.int/en/web/execution/supervision-video)

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# 8 THE EUROPEAN CONVENTION ON HUMAN RIGHTS IN A NUTSHELL

## Simplified version of selected articles and protocols\*

### Summary of the preamble

The member governments of the Council of Europe work towards peace and greater unity based on human rights and fundamental freedoms.

With this Convention, they decide to take the first steps to enforce many of the rights contained in the Universal Declaration of Human Rights.



### Article 1 – Obligation to respect human rights

States must ensure that everyone has the rights stated in this Convention.

### Article 2 – Right to life

You have the right to life.

### Article 3 – Prohibition of torture

No one ever has the right to hurt you or torture you. Even in detention, your human dignity has to be respected.

### Article 4 – Prohibition of slavery and forced labour

It is prohibited to treat you as a slave or to impose forced labour on you.

### Article 5 – Right to liberty and security

You have the right to liberty.

If you are arrested, you have the right to know why.

If you are arrested, you have the right to stand trial soon, or to be released until the trial takes place.

### Article 6 – Right to a fair trial

You have the right to a fair trial before an unbiased and independent judge.

If you are accused of having committed a crime, you are innocent until proven guilty. You have the right to be assisted by a lawyer who has to be paid by the state if you are poor.

### Article 7 – No punishment without law

You cannot be held guilty of a crime if there was no law against it when you did it.

### Article 8 – Right to respect for private and family life

You have the right to respect for your private and family life, your home and correspondence.

### Article 9 – Freedom of thought, conscience and religion

You have the right to freedom of thought, conscience and religion. You have the right to practise your religion at home and in public and to change your religion if you want.

### Article 10 – Freedom of expression

You have the right to responsibly say and write what you think and to give and receive information from others. This right also covers the freedom of the press.

### Article 11 – Freedom of assembly and association

You have the right to take part in peaceful meetings and to set up or join associations – including trade unions.

### Article 12 – Right to marry

You have the right to marry and to have a family.

### Article 13 – Right to an effective remedy

If your rights are violated, you can complain about this officially to the courts or other public bodies.

\* The simplified version of the European Convention on Human Rights is intended for educational purposes only. The only legally authentic texts are the English and French versions of the Convention for the Protection of Human Rights and Fundamental Freedoms and its protocols.

### ■ **Article 14 – Prohibition of discrimination**

You have these rights regardless of your skin colour, sex, language, political or religious beliefs, or origins.

### ■ **Articles 19 to 51**

These articles explain how the European Court of Human Rights works.

### ■ **Article 34 – Individual applications**

If your rights contained in the Convention have been violated in one of the member states, you should first appeal to all competent national authorities.

If that does not work out for you, then you may appeal directly to the European Court of Human Rights in Strasbourg.

### ■ **Article 52 – Enquiries by the Secretary General**

If the Secretary General of the Council of Europe requests it, a government must explain how its national law protects the rights of this Convention.

## Protocols to the Convention

### ■ **Article 1 of Protocol No. 1 – Protection of property**

You have the right to own property and use your possessions.

### ■ **Article 2 of Protocol No. 1 – Right to education**

You have the right to go to school.

### ■ **Article 3 of Protocol No. 1 – Right to free elections**

You have the right to elect the government of your country by secret vote.

### ■ **Article 2 of Protocol No. 4 – Freedom of movement**

If you are lawfully within a country, you have the right to go where you want and to live where you want within it.

### ■ **Article 1 of Protocol No. 6 – Abolition of the death penalty**

The death penalty shall be abolished.

### ■ **Article 2 of Protocol No. 7 – Right of appeal in criminal matters**

You may appeal to a higher court if you have been convicted for committing a crime.

### ■ **Article 3 of Protocol No. 7 – Compensation for wrongful conviction**

You have the right to compensation if you have been convicted of committing a crime and it turns out that you are innocent.

### ■ **Article 1 of Protocol No. 12 – General prohibition of discrimination**

You cannot be discriminated against by public authorities for reasons of, for example, your skin colour, sex, language, political or religious beliefs, or origins.

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**Video: The convention belongs to you → <https://youtu.be/MOcmUQTgjCw>**

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# 9 FOCUS ON OUR RIGHTS

## The right to life

### ARTICLE 2

**You have the right to life.**

**This essential article requires states to protect the lives of all individuals by law and to prosecute anyone perpetrating assaults on persons, including those suspected of terrorism.**

#### Article 2 protects everybody's right to life.

It is one of the most important articles in the European Convention on Human Rights since, without the right to life, it is impossible to enjoy the other rights granted by the Convention.

Article 2 places a number of obligations on states:

- ▶ the obligation to refrain from the intentional taking of life
- ▶ the obligation to take the necessary steps to protect human life. This entails introducing laws and criminal penalties to dissuade people from harming others and carrying out thorough investigations into deaths.



#### IN PRACTICE, the right to life includes ...

**... protecting prisoners:** states must take the necessary steps to protect the lives of those detained in prison.

In 2008, the Court found that there had been a violation of Article 2 in the *Renolde v. France* case. H el ene Renolde complained that the French authorities had not taken the necessary measures to protect the life of her brother, who hanged himself in July 2000 in his cell in Bois-d'Arcy Prison, where he was in pretrial detention. The Court observed, among other things, that prisoners known to be suffering from a serious mental disturbance and to pose a suicide risk required special measures geared to their condition.

**... protection against environmental hazards:** states must take the necessary steps to protect the health of individuals and prevent any environmental dangers.

In 2014, the Court found that there had been a violation of Article 2 in the *Brincat and Others v. Malta* case. In this case, the applicants complained about their or their deceased relatives' exposure to asbestos in a government-run shipyard. The state had a positive duty to take reasonable and appropriate measures to secure the applicants' rights in the context of dangerous activities. The Court found that the Maltese Government had known or ought to have known of the dangers arising from exposure to asbestos at least from the early 1970s, given the domestic context as well as scientific and medical opinion accessible to the government at the time. The applicants had been left without any adequate safeguards against the dangers of asbestos, either in the form of protection or information about risks, until the early 2000s, by which time they had left employment at the ship repair yard.

## 9 FOCUS ON OUR RIGHTS

### Prohibition of torture

#### ARTICLE 3

**No one ever has the right to hurt you or torture you.**

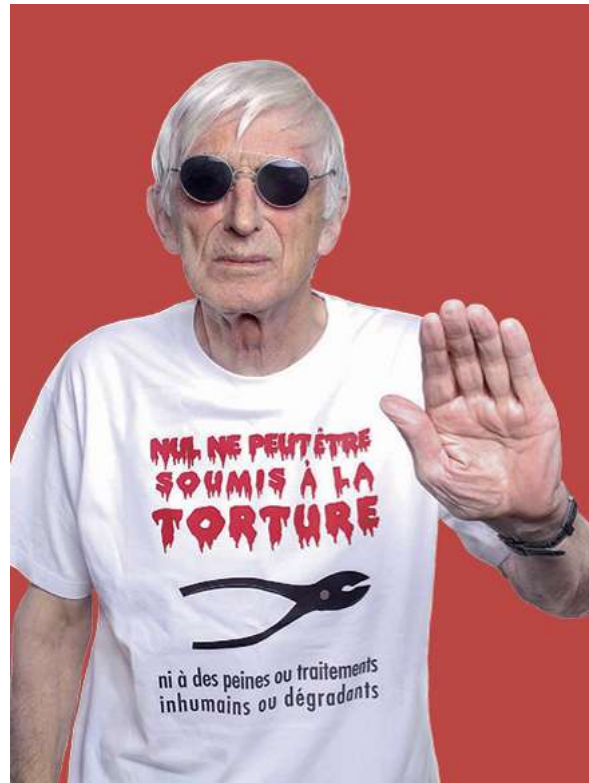
**Respect for human dignity takes precedence even in cases of detention. This article also prohibits extraditing a person to another country where there is a risk that he or she will be subjected to torture or ill-treatment.**

#### Article 3 of the Convention prohibits torture and inhuman or degrading treatment.

This prohibition is applicable in all circumstances, including in the context of the international fight against terrorism.

States also have an obligation to introduce prevention measures, such as laws which establish treatment contrary to Article 3 as a criminal offence, and to carry out thorough investigations into any allegations of torture or ill-treatment.

Protection against torture is a universally acknowledged principle and is not disputed in international law; there are special conventions in this field drawn up by the Council of Europe (such as the European Convention for the Prevention of Torture and the Convention on Action against Trafficking in Human Beings) and by the United Nations.



#### IN PRACTICE, the prohibition of torture applies, for example, to ...

**... police brutality during interrogation:** the interrogation techniques used by law-enforcement agencies must comply with the rights guaranteed by Article 3.

In 2015, the Court found that there had been a violation of Article 3 in the *Bouyid v. Belgium* case. The applicants, two brothers, one of whom was a minor, were questioned separately by the police concerning unrelated incidents. Both of them had been slapped in the face once by police officers. The Court pointed out that the authorities had not fulfilled a duty to protect the applicants, who were humiliated by the slaps.

**... extradition and deportation:** the Court may find that there has been a violation of Article 3 if the extradition or deportation of an individual to another country could entail a real danger of his or her being subjected to ill-treatment. In 2008, the Court found that there had been a violation of Article 3 in the *Saadi v. Italy* case. The case concerned the possible deportation of Nassim Saadi to Tunisia, where he claimed to have been sentenced in 2005, in his absence, to 20 years' imprisonment for membership of a terrorist organisation acting abroad in peacetime and for incitement to terrorism. The Court held that if the decision to deport the applicant to Tunisia were to be enforced, there would be a violation of Article 3.

## 9 FOCUS ON OUR RIGHTS

### Prohibition of slavery and forced labour

#### ARTICLE 4

**It is prohibited to treat you as a slave or to impose forced labour on you.**

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



#### Article 4 of the Convention prohibits slavery, servitude and forced or compulsory labour.

This also covers human trafficking.

States are also required to have legislation that guarantees practical and effective protection against such acts.

#### IN PRACTICE, the prohibition of slavery and forced labour includes ...

**... protection of domestic employees:** states must take the necessary measures to protect individuals against domestic slavery.

In 2005, the Court found that there had been a violation of Article 4 in the *Siliadin v. France* case. The applicant, a minor Togolese national, had been forced to work as a servant in France without pay. Despite promises of regularisation, she had no residence or work permit, no passport and no financial resources. The Court concluded that the applicant had been held in a state of servitude within the meaning of Article 4, and as the applicant had not seen the perpetrators of the acts criminally convicted, the Court considered that the French criminal law in force at the time did not provide the applicant with concrete and effective protection against the acts of which she had been the victim.

**... action against human trafficking:** in 2020, the Court found that there had been a violation of Article 4 in the *S.M. v. Croatia* case, holding that the Croatian authorities' response to the applicants' claims of human trafficking and forced prostitution had been flawed.

## The right to liberty and security

### ARTICLE 5

If you are arrested, you have the right to stand trial soon or to be released until the trial takes place. This article is geared to protecting physical liberty and prohibiting any kind of arbitrary arrest or detention.



### Article 5: If you are arrested you have the right to know why.

Article 5 of the Convention offers a means of verifying whether being held in detention is lawful and, therefore, of protecting people against arbitrary arrest and detention.

States are also required to provide detained persons with a number of procedural guarantees: everyone arrested must be informed as soon as possible of the reasons for the arrest and must be brought promptly before a judge or released pending trial. In addition, anyone whose arrest or detention is contrary to the rights guaranteed by Article 5 is entitled to compensation.

### IN PRACTICE, the right to liberty and security applies, for example, to ...

... **unlawful detention:** the Convention protects individuals against any arbitrary or unlawful detention.

In 2004, the Court found that there had been a violation of Article 5 in the *Frommelt v. Liechtenstein* case. Peter Frommelt was placed in pretrial detention in 1997 on suspicion of offences including embezzlement and fraud. He alleged that there had been procedural shortcomings in the review of his pretrial detention.

... **unlawful detention:** in 2018, the Court found that there had been a violation of Article 5 in the *Şahin Alpay v. Turkey* on account of the refusal by the trial court to release the applicant despite the Constitutional Court's finding the detention to be unlawful.

# 9 FOCUS ON OUR RIGHTS

## The right to a fair trial

### ARTICLE 6

**Courts must be independent and impartial.**

**Everyone charged with a criminal offence is presumed innocent until proved guilty, and is entitled to be defended by a lawyer, whose fees must be paid by the state if he/she cannot afford them.**

### Article 6: You have the right to a fair trial before an unbiased and independent judge.

If you are accused of having committed a crime, you are innocent until proven guilty. You have the right to be assisted by a lawyer who has to be paid by the state if you are poor.

Article 6 of the Convention ensures that certain procedural safeguards protect a person or a civil entity on trial.



### IN PRACTICE, the right to a fair trial applies, for example, to ...

**... civil disputes:** the adjudicating authorities should be independent and impartial in civil matters.

In 2018, the Court found that there had been a violation of the right to a fair trial in the *Denisov v. Ukraine* case, which concerned the applicant's removal from the post of president of the Kyiv Administrative Court of Appeal. Some of the personnel who had made the decision to remove the applicant had been dependent in some way for their careers and salaries on other parts of the state apparatus. Hence, the Court found that the relevant authorities had not been sufficiently independent and impartial when taking and reviewing the decision concerning the applicant.

**... criminal proceedings:** the Convention protects the right to defend oneself through legal assistance of one's own choosing and, subject to certain conditions, to be given legal assistance free.

In 2016, the Court found that there had been a violation of the right to a fair trial in the *Ibrahim and Others v. the United Kingdom* case. One of the applicants had been initially interviewed as a witness without legal advice. It had emerged during questioning that he had assisted in a crime. At that point, according to the applicable code of practice, he should have been cautioned and offered legal advice. However, this had not been done, hence, the applicant had been misled as to his procedural rights.

## 9 FOCUS ON OUR RIGHTS

### The right to respect for private and family life

#### ARTICLE 8

States cannot interfere in any individual's private life, but they are simultaneously duty-bound to protect the moral and physical integrity of all individuals.

**Article 8: You have the right to respect for your private and family life, your home and correspondence.**

Article 8 of the Convention protects the right to respect for private and family life, the home and correspondence.

A state may not interfere in an individual's private life; at the same time, it has a duty to protect the moral and physical integrity of all.

The European Court of Human Rights has given the protection of "private and family life" a fairly broad interpretation, taking the view that the deportation of a foreigner, the prohibition of private consensual homosexual acts, the refusal by a state to allow a detainee to attend the funeral of a family member or the refusal by a state to recognise the true paternity of a stillborn child all constitute violations of Article 8.



**IN PRACTICE, the right to respect for private and family life applies, for example, to ...**

**... publications intruding on one's privacy:** celebrities and members of royal families have relied on Article 8 to protect their privacy from media intrusion.

In 2004, the Court found that there had been a violation of Article 8 in the *von Hannover v. Germany* case. Princess Caroline von Hannover had on several occasions unsuccessfully applied to the German courts for an injunction preventing any further publication of a series of photographs which had appeared in German magazines in the 1990s, claiming that they infringed her right to protection of her private life and her right to control the use of her image. The Court said that everyone, including people known to the public, had to have a "legitimate expectation" that his or her private life would be protected.

**... custody of a child:** in 2019, the Court found that there had been a violation of Article 8 in the *Strand Lobben and Others v. Norway* case.

The case concerned the domestic authorities' decision to remove a mother's parental authority and let foster parents adopt her son. The Court found in particular that the reasoning of the authorities had been based on limited evidence as the contact sessions between mother and son after his placement in foster care had been few and far between and the psychologists' reports outdated. In addition, a review of the child's vulnerability had contained barely any analysis and no explanation as to how he could continue to be vulnerable despite having been in care since he was three weeks' old.



## Freedom of thought, conscience and religion

### ARTICLE 9

This article protects the freedom to practise 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.

#### Article 9: You have the right to freedom of thought, conscience and religion.

Article 9 protects everyone's freedom of thought, conscience and religion; these rights are inviolable, as too is the right to change religion or belief. All recognised belief systems are protected under Article 9.



#### IN PRACTICE, the right to freedom of thought, conscience and religion, includes ...

... **the right to practise one's religion freely:** states must uphold this right, protected by Article 9.

In 2016, the Court found that there had been a violation of Article 9 in the *İzzettin Doğan and Others v. Turkey* case on account of the refusal of the state to provide a public service to the followers of the Alevi faith (the country's second-largest faith in terms of the number of followers), while the same service was provided to the citizens adhering to the Sunni understanding of Islam.

The Court observed a glaring imbalance between the status conferred on the understanding of the Muslim religion adopted by the Religious Affairs Department and benefiting from the religious public service and that conferred on the applicants, as the Alevi community was almost wholly excluded from the public service in question and was covered by the legal regime governing the "Sufi orders" (*tarikats*), which were the subject of significant prohibitions.

... **state neutrality:** states must not interfere in the internal affairs of a religious community.

In 2000, the Court found that there had been a violation of Article 9 in the *Hasan and Chaush v. Bulgaria* case. The applicants, a former Chief Mufti of the Bulgarian Muslims and a teacher of Islam, complained about the Bulgarian authorities' decision to change the leadership and statute of the Muslim community.

## Freedom of expression

### ARTICLE 10

**Freedom to express one's opinions or level criticism is essential in a democratic society. The media require particular protection in this context.**

**Article 10: You have the right to responsibly say and write what you think and to give and receive information from others. This includes freedom of the press.**

Article 10 of the Convention protects freedom of expression, one of the essential foundations of a democratic society.

The media require particular protection because they play a key role in defending freedom of expression.

This article protects the right to criticise, to make assumptions or value judgments and the right to have opinions.



### IN PRACTICE, the right to freedom of expression includes ...

**... the freedom of the press and broadcasting media:** without a free and diverse press, there can be no democratic society. The freedom of expression guaranteed by Article 10 is also applicable to "information" or "ideas" that offend, shock or disturb the state or any sector of the population. States have a duty to uphold this right.

In 2000, the Court found that there had been a violation of Article 10 in the *Lopes Gomes da Silva v. Portugal* case. Vicente Jorge Lopes Gomes da Silva, who at the relevant time was the manager of the daily newspaper *Público*, was convicted of libel. The Court stated in particular that freedom of expression was of particular importance with regard to the press, the limits of acceptable criticism being wider with regard to a politician acting in his public capacity.

In contrast, in 2009, in the *Times Newspapers Ltd v. the United Kingdom* (Nos. 1 and 2) case, the Court concluded that the newspaper's conviction for the publication of libellous articles archived on the internet did not constitute a violation of the Convention.

**... civil servants' freedom of expression:** in 2020, the Court found that there had been a violation of Article 10 in the *Kövesi v. Romania* case, which concerned the applicant's removal as the chief prosecutor of the National Anticorruption Directorate before the end of her second term following her criticism of legislative reforms in the area of corruption. The Court held that her premature removal must have had a chilling effect on her and other prosecutors and judges in taking part in public debate on legislative reforms affecting the judiciary and judicial independence.

## Freedom of assembly and association

### ARTICLE 11

States must ensure that citizens are free to take part in peaceful demonstrations.

**Article 11: You have the right to take part in peaceful meetings and to set up or join associations – including trade unions.**

Article 11 protects people's right to organise themselves and take part in peaceful meetings and demonstrations and guarantees their right to form or join associations and trade unions.

States have an obligation to take appropriate steps to protect lawful peaceful demonstrations; the rules governing demonstrations on the public highway should not dissuade citizens from exercising their right to freedom of peaceful assembly.

**IN PRACTICE, the right to freedom of assembly and association includes ...**

**... the freedom to meet up in an association:** states must guarantee this right protected by Article 11.

In 2007, the Court found that there had been a violation of Article 11 in the *Ramazanova and Others v. Azerbaijan* case. The applicants founded an association named "Assistance to the Human Rights Protection of the Homeless and Vulnerable Residents of Baku" and applied several times to the authorities to have the organisation registered. The Court considered that the significant delays in registering the association, in breach of the statutory time limits, amounted to a violation of the applicants' right to freedom of association.



**... the freedom of peaceful assembly on the public highway (demonstration):** states must guarantee the freedom of peaceful assembly.

In 2021, the Court found a violation of Article 11 in *Lutsenko and Verbytskyy v. Ukraine*, a case stemming from the "Maidan" protests against the suspension of the Ukraine-European Union Association Agreement. The deliberate strategy of the authorities to stop initially peaceful protest through excessive force resulted in escalation of violence. The Court held that abuses against protestors aimed at punishment or intimidation for their involvement into the protests amounted to a violation of the applicant's right to freedom of association.

# 9 FOCUS ON OUR RIGHTS

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## Prohibition of discrimination

### ARTICLE 14

**Prohibiting discrimination means reaffirming the equality principle, which states that all human beings are born and remain equal in rights and dignity.**

**Protocol No. 12 extends the prohibition of discrimination to all legal rights protected by domestic law.**

**Article 14: You have these rights regardless of your skin colour, sex, language, political or religious beliefs, or origins.**

Article 1 of Protocol No. 12 – General prohibition of discrimination: you cannot be discriminated against by public authorities for reasons of, for example, your skin colour, sex, language, political or religious beliefs, or origins.

The prohibition of discrimination is a key part of the protection of human rights. It is closely linked to the principle of equality which holds that all people are born and remain free and equal in dignity and rights.

The prohibition of discrimination is to be found in all international instruments for the protection of human rights.



**IN PRACTICE, the prohibition of discrimination applies, for example, to ...**

**... discrimination based on sexual orientation:** states must guarantee that people are treated equally, whatever their sexual orientation.

In 2020, the Court found that there had been a violation of Article 3 (prohibition of inhuman and or degrading treatment) in conjunction with Article 14 (prohibition of discrimination) in the *Aghdgomelashvili and Japaridze v. Georgia* case.

During a raid on an LGBT organisation in Tbilisi, the police threatened the applicants Aghdgomelashvili and Japaridze with physical ill-treatment. They also humiliated and insulted them for their association with the LGBT community.

**... discrimination based on origin:** states must guarantee equal treatment irrespective of an individual's origin.

In 2007, the Court found a violation of Article 14 in the *D.H. and Others v. the Czech Republic* case in which Roma children had been placed in special schools.

**... discrimination based on descent:** states must guarantee the principle of equality in matters of descent, especially with regard to inheritance.

In 2004, the Court found that there had been a violation of Article 14 in the *Pla and Puncernau v. Andorra* case. The case concerned court decisions stating that Antoni Plan Puncernau, as an adopted child, could not inherit the estate of his paternal grandmother, who had indicated in her will that only "a son of a legitimate and canonical marriage" could be entitled to the inheritance.

# 10 DEATH PENALTY

## PROTOCOLS NO. 6 AND 13

**Abolition of the death penalty is one of the conditions to be fulfilled in order to become 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, the abolition of the death penalty applies even in time of war.**

**No executions have taken place in any Council of Europe member state for more than 25 years, creating a death penalty-free zone covering 46 countries and over 700 million people.**



## Abolition of death penalty

**Protocol No. 6 to the Convention**, abolishing the death penalty in peacetime, entered into force in 1985. The protocol has since been signed and ratified by all Council of Europe member states.

In 2003, **Protocol No. 13 to the Convention**, abolishing the death penalty in all circumstances, entered into force. The protocol has since been signed and ratified by all Council of Europe member states except Azerbaijan, which has signed the protocol but not ratified it.

There are a number of other legal instruments having a connection with the issue of the death penalty. For example, the European Convention on Extradition provides that extradition may be refused if the offence for which the extradition is requested is punishable by the death penalty unless the Requesting Party provides assurances that it will not be carried out. An important development is the adoption by the Committee of Ministers of a recommendation on measures against the trade of goods used for the death penalty, torture and other inhuman or degrading treatment and punishment.

# 10 DEATH PENALTY

## IN PRACTICE

In 1989, in *Soering v. the United Kingdom*, the European Court of Human Rights ruled that extraditing a man accused of murder to the United States, where he could face the death penalty, would violate the prohibition of torture given the very long period of time people usually spent on death row in extreme conditions in the US with the ever mounting anguish of waiting to be executed.

Following the judgment, the US authorities confirmed to the UK that the applicant would not be prosecuted for the offence of capital murder.

In 2000, in *Jabari v. Turkey*, the Court ruled that deporting a woman who risked death by stoning to Iran would violate the prohibition of torture. The applicant was subsequently granted a residence permit in Turkey.

In 2005, in *Bader and Kanbor v. Sweden*, the Court ruled that deporting a man sentenced to death after an unfair trial in Syria would violate the right to life and the prohibition of torture. The applicants were subsequently granted permanent residence in Sweden.

In *Öcalan v. Turkey*, the Court ruled that imposing the death penalty after an unfair trial in 1999 – even though it was not carried out – amounted to inhuman treatment. Turkey stayed the execution following a request from the Court. It abolished the use of the death penalty in peacetime in 2002, and the applicant's sentence was commuted to life imprisonment.

In 2010, in *Al-Saadoon and Mufdhi v. the United Kingdom*, the Court ruled that, due to state practices over time, provisions on the right to life had been amended so as to prohibit the death penalty in all circumstances. The Court asked the UK to seek assurances from Iraq that the applicants in this case would not face the death penalty. The applicants were acquitted and released by the Iraqi authorities in 2011.

In 2014, in *Al Nashiri v. Poland*, the Court ruled that Poland violated the rights of a CIA rendition victim by exposing him to a serious risk of facing the death penalty. The Court asked Poland to seek assurances from the US that the death penalty would not be imposed.

Proceedings against the applicant before a United States military commission, in which he faces the death penalty, are still pending, and the implementation of the European Court's judgment by Poland is being closely followed by the Council of Europe's Committee of Ministers.

In 2020, in *M.A. and Others v. Bulgaria*, the Court ruled that expulsion of Chinese nationals to China, where they might be sentenced to death, would violate the right to life and the prohibition of torture and inhuman or degrading treatment. The Bulgarian authorities subsequently presented guarantees that the applicants would not be expelled to China or to a third country.

# 11 CASE STUDIES

## Mary Williams and her image online



### TIME

30 minutes (for reading the case study and answering the question) plus 20 minutes (correction, possibly followed by a discussion on the topics addressed).



### APPROACH

Divide the pupils into small groups (of 4 or 5). Ask them to read the case study below and then answer the questions, with the help of the information sheets. Each group should choose a spokesperson to give a short presentation of its answers.

Mary Williams is a world-famous actress. In 2006, the website OracleOnline published an online article in which it alleged that she had had an affair with the Prime Minister and had influenced several government decisions. In the “comments” section of the OracleOnline, anonymous commenters had insulted Ms Williams using lewd language and had threatened to rape her.

Ms Williams sued the website requesting it to take down the comments immediately and pay her a certain sum in non-pecuniary damages. She criticised the article itself and also the photos which OracleOnline had published of her, claiming it had been an invasion of her privacy.

The courts in her country (a Council of Europe member state) held OracleOnline liable for comments left below its online publication, pointed out that the article did indeed contain libellous remarks about her and ordered the website to pay damages. However, the same courts held that Ms Williams, as a well-known celebrity, had to be prepared to accept the publication of photographs portraying her everyday life.

### Questions

■ **Mary Williams wants to appeal against the court’s ruling regarding the publication of photographs.**

Can she take her case to the European Court of Human Rights? If she can, on which article(s) of the Convention could she base her application?

■ **The website OracleOnline wishes to appeal against the damages it has been ordered to pay.**

Can it take its case to the European Court? If it can, on which article(s) of the Convention could it base its application?

■ **Write about 20 lines on the following:**

Are there limits to journalists’ freedom of expression?



# 11 CASE STUDIES

## Peaceful demonstration



### TIME

30 minutes (for reading the case study and answering the question) plus 20 minutes (correction, possibly followed by a discussion on the topics addressed).



### APPROACH

Divide the pupils into small groups (4 or 5). Ask them to read the case study below and then answer the questions, with the help of the information sheets. Each group should choose a spokesperson to give a short presentation of its answers.

The very last green park in town is going to be made into a car park. Ten local residents demonstrate peacefully in the park, saying they need a place to relax and for their children to play in.

The police arrive and tell them they are not allowed to demonstrate and that they should go home. The demonstrators sit down on the ground and refuse to move. The police move them by force, hurting some of them.

### Questions

- **Have the demonstrators' fundamental rights been violated? If so, which rights?**
- **Can the demonstrators make a joint application to the European Court of Human Rights? State the conditions that have to be fulfilled in order to submit an application.**
- **On what article(s) of the Convention could they base their application?**

# 11 CASE STUDIES

## Lorenzo: his divorce and his children

### TIME

30 minutes (for reading the case study and answering the question) plus 20 minutes (correction, possibly followed by a discussion on the topics addressed).

### APPROACH

Divide the pupils into small groups (of 4 or 5). Ask them to read the case study below and then answer the questions, with the help of the information sheets. Each group should choose a spokesperson to give a short presentation of its answers.

Lorenzo applies for a divorce after 12 years of marriage. His wife has no objection, but the court takes several years before issuing the divorce decree.

Lorenzo wishes to maintain contact with his two children, but the law in the country does not allow him to do so until the divorce proceedings are over.

### Questions

— Which article of the Convention could Lorenzo turn to in order to challenge this situation?

— Describe the various stages of an application to the European Court of Human Rights which Lorenzo might decide to submit.

# 11 CASE STUDIES

## Roberto and detention



### TIME

30 minutes (for reading the case study and answering the question) plus 20 minutes (correction, possibly followed by a discussion on the topics addressed).



### APPROACH

Divide the pupils into small groups (of 4 or 5). Ask them to read the case study below and then answer the questions, with the help of the information sheets. Each group should choose a spokesperson to give a short presentation of its answers.

In 1996, Roberto was sentenced to 20 years' imprisonment for a number of robberies and car thefts. He was held in custody for six months before being transferred to prison to serve his sentence once the court judgment became final.

Roberto complains that his remand in custody was unlawful. In addition, he criticises the conditions in which he was held, which he considers degrading. He also alleges that his correspondence was being opened and read by the prison authorities before being passed on to him.

### Questions

- **Have Roberto's fundamental rights been violated? If so, which rights?**
- **Which articles in the European Convention on Human Rights could Roberto turn to in order to complain about his situation?**
- **What criteria could Roberto's lawyer refer to regarding his client's detention conditions?**

# 11 CASE STUDIES

## Konstantinos and the prospect of being deported



### TIME

30 minutes (for reading the case study and answering the question) plus 20 minutes (correction, possibly followed by a discussion on the topics addressed).



### APPROACH

Divide the pupils into small groups (of 4 or 5). Ask them to read the case study below and then answer the questions, with the help of the information sheets. Each group should choose a spokesperson to give a short presentation of its answers.

Konstantinos has been arrested by the police in a neighbouring country (a Council of Europe member state). As his documents are not in order, the courts have ruled that he should be deported to his country of origin.

Konstantinos is trying to appeal against this decision. He claims that he belongs to an ethnic minority which is discriminated against in his country of origin and that if he is returned there, he will most probably be tortured – or even killed – by either the official authorities or rebels.

### Questions

- Can Konstantinos take a case to the European Court of Human Rights against the neighbouring country to complain about the decision to send him back to his country of origin? On which article(s) of the Convention could he base his application?
- To what extent could he also submit an application against his country of origin?

# 11 CASE STUDIES

## The imaginary country



### TIME

1-1½ hours.



### APPROACH

Divide the class into groups of 5 or 6 and read them the following scenario. Then begin the discussion using the questions given below.

“Imagine that you have discovered a new country, where no one has lived before, and where there are no laws and no rules. You and the other members of your group will be the settlers in this new land. You do not know what status you will have in this new land.”

Individually, each pupil should write a list of three rights which they think should be guaranteed for everyone in this new country.

Ask the pupils to share and discuss their lists within their group. The group should then agree on a list of 10 rights which it thinks are important. The group should then invent a name for the country and write it on a large piece of paper together with the list of rights.

Each group presents its list to the rest of the class. As they do this, make a note of each right on a class list; if rights are repeated, put a cross next to them.

Once all the groups have made their presentations, ask the class to identify rights which overlap or contradict each other.

### Questions

■ **Can the class list be rationalised? Can similar rights be grouped together?**

■ **How near to reality is this list?**

Further questions could then be asked on the following topics.

■ **Did your ideas about which rights were most important change during the activity?**

■ **Are there any rights which you would now want to add to the list?**

■ **Are human rights universal?**

# 12 PRACTICAL EXERCISES

## My country and the Convention

### APPROACH

These activities require research and could therefore be given as homework or oral assignments to be prepared at home.

### PUTTING HUMAN RIGHTS IN THEIR HISTORICAL CONTEXT

Each country has its own human rights history: in Hungary, for instance, there was the uprising of serfs (1514-1710), culminating in 1848 in legislation outlawing serfdom and introducing freedom of the press. Going even further back in time, to 1215 in England, the Magna Carta used constitutional means to limit the tyrannical use of royal power. More recently, in Europe there are numerous examples of movements campaigning for freedom and human rights.

■ **Divide the pupils into groups and ask them to look at people, publications, the arts, events and movements that contributed to the development of human rights in your country. One or more groups could be asked to look at influences from other countries.**

The results can be used in a variety of ways:

- ▶ each group could present its results to the rest of the class
- ▶ some pupils could write an essay on an aspect of their group research.

■ **Organise a display on human rights in your classroom for other classes to visit.**

### ORGANISATION DEFENDING HUMAN RIGHTS

We are all responsible for ensuring that human rights are protected and promoted. Although states undertake to protect human rights, many non-governmental organisations (NGOs) are active throughout Europe and the world to promote, develop and safeguard human rights.

■ **Ask your pupils to find out what NGOs are active in this field in your country.**

- ▶ What are their aims?
- ▶ What do they do?
- ▶ Who are their members?
- ▶ Are there any human rights organisations active in your region?
- ▶ Would it be possible to invite a human rights NGO to give a talk to the class?



## INTERNATIONAL HUMAN RIGHTS COMMITMENTS

Look at the links between human rights in your country and international organisations.

Working in groups, pupils are asked to research answers to the following questions:

- ▶ When and why did your country join the Council of Europe?
- ▶ When did your country sign and ratify the European Convention on Human Rights and which protocols has it ratified?
- ▶ What is the main difference between the Universal Declaration of Human Rights and the European Convention on Human Rights?
- ▶ When did your country sign the Universal Declaration of Human Rights?
- ▶ When and why did your country join the United Nations?
- ▶ Has your country signed other major UN human rights documents?
- ▶ What other international human rights commitments has your country accepted?

## YOUR COUNTRY AND THE EUROPEAN CONVENTION ON HUMAN RIGHTS

What are the effects of the European Convention on Human Rights being in force in your country? When a country ratifies the Convention, the consequences are far-reaching. Here too, this activity requires pupils to research answers to the following topics:

- ▶ What institutions are influenced by the European Convention on Human Rights?
- ▶ What institutions are responsible for ensuring that the people in the country enjoy the rights and freedoms guaranteed by the Convention?
- ▶ Would it be possible to organise a class visit to one of them?
- ▶ What provisions in your country's constitution are similar to the rights set out in the Convention?
- ▶ What is the name of the judge from your country who sits in the European Court of Human Rights and what was his/her professional background?
- ▶ Have there been cases from your country that have reached the European Court of Human Rights? If so, what were the results?
- ▶ What measures has your country taken to comply with the Convention once a violation had been found?

There are several other Council of Europe conventions and mechanisms that protect people's rights. What connections are there between your country and:

- ▶ The European Convention on Human Rights?
- ▶ The European Social Charter?
- ▶ The Convention for the Protection of Torture?
- ▶ The Framework Convention for the Protection of National Minorities?
- ▶ The European Commission against Racism and Intolerance?

# 13 QUIZ – SEE HOW MUCH YOU KNOW

## 1. When was the European Convention on Human Rights adopted?

- ▶ 1948
- ▶ 1950
- ▶ 1959

## 2. In which city was the European Convention on Human Rights signed?

- ▶ Strasbourg
- ▶ Rome
- ▶ Warsaw

## 3. How many judges are there for each country?

- ▶ One judge
- ▶ It depends on the country
- ▶ It depends on the case

## 4. Who can bring a case to the Court?

- ▶ European Union nationals
- ▶ Nationals of Council of Europe member states
- ▶ Anyone, whatever their nationality

## 5. What is the time limit for bringing a case to the Court after all domestic remedies have been exhausted?

- ▶ Within 4 months of the last court decision
- ▶ Within 10 years of the facts of the case
- ▶ In the year following the last court decision

## 6. Which body is responsible for monitoring the application of the Court judgments?

- ▶ The European Court of Human Rights
- ▶ The Commissioner for Human Rights
- ▶ The Committee of Ministers

## 7. Which of these subject areas has the Court already delivered judgments on?

- ▶ National defence
- ▶ Risk of chemical pollution
- ▶ Euro currency policy

## 8. How many European Union countries are not party to the European Convention on Human Rights?

- ▶ 0
- ▶ 1
- ▶ 9

## 9. What is the duration of a judge's term of office at the European Court of Human Rights?

- ▶ 9 years non-renewable
- ▶ 5 years non-renewable
- ▶ 5 years renewable

## 10. In how many different languages can an application be submitted to the Court?

- ▶ 2
- ▶ 46
- ▶ Any of the official languages of the member states

### Answers to the quiz questions!

1. 1959
2. Rome
3. One judge
4. Anyone, whatever their nationality
5. Within 4 months of the last court decision
6. The Committee of Ministers
7. Risk of chemical pollution
8. 0
9. 9 years non-renewable
10. Any of the official languages of the member states



# 14 OTHER COUNCIL OF EUROPE TEXTS PROTECTING HUMAN RIGHTS

Over the years the Council of Europe has drawn up a number of other texts based on the rights guaranteed by the European Convention on Human Rights.

## The European Social Charter

The European Social Charter (1961), its Additional Protocol (1988) and the Revised Charter (1996) guarantee a range of fundamental social rights related primarily to employment, protection against poverty and social exclusion, and the right to decent housing.

→ [www.coe.int/socialcharter](http://www.coe.int/socialcharter)

## The European Convention for the Prevention of Torture

In 1987 the Council of Europe adopted the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. This convention established a European Committee for the Prevention of Torture (CPT), made up of independent and impartial experts, who visit places of detention to see how detainees are treated.

→ [www.cpt.coe.int](http://www.cpt.coe.int)

## The Framework Convention for the Protection of National Minorities

This is the first legally binding multilateral instrument to protect national minorities in general. The framework convention establishes a number of principles and measures, including equality before the law, the preservation and development of cultures, and the protection of identities, religions, minority languages and traditions.

→ [www.coe.int/minorities/](http://www.coe.int/minorities/)

## The European Commission against Racism and Intolerance (ECRI)

ECRI was set up in 1993 to strengthen the fight against all forms of racism, xenophobia, antisemitism and intolerance at European level.

→ [www.coe.int/ECRI](http://www.coe.int/ECRI)

## The Council of Europe Convention on Action against Trafficking in Human Beings

This convention is a comprehensive treaty concentrating essentially on the protection of victims of trafficking and on defence of their rights. It also concerns the prevention of trafficking and the prosecution of traffickers.

The convention applies to all forms of trafficking, whoever the victims may be (women, men or children) and whatever the form of exploitation: sexual exploitation, forced labour or services, etc.

→ [www.coe.int/en/web/anti-human-trafficking/](http://www.coe.int/en/web/anti-human-trafficking/)

## The Convention on Protection of Children against Sexual Exploitation and Sexual Abuse

This instrument, adopted in 2007 and known as “the Lanzarote Convention”, requires criminalisation of all kinds of sexual offences against children. It sets out that states in Europe and beyond shall adopt specific legislation and take measures to prevent sexual violence, to protect child victims and to prosecute perpetrators. The convention also establishes programmes to support victims, encourages people to report suspected sexual exploitation and abuse, and sets up telephone and internet helplines for children. It also ensures that certain types of conduct are classified as criminal offences, such as engaging in sexual activities with a child below the legal age and child prostitution and pornography.

→ [www.coe.int/en/web/children/convention](http://www.coe.int/en/web/children/convention)

## The Convention on Preventing and Combating Violence against Women and Domestic Violence

This 2011 instrument, also known as “the Istanbul Convention”, aims to protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence. It also establishes a specific monitoring mechanism (GREVIO) in order to ensure the effective implementation of its provisions.

→ [www.coe.int/en/web/istanbul-convention](http://www.coe.int/en/web/istanbul-convention)

# WEAR YOUR RIGHTS

Human rights belong to everyone: every man, woman and child. They belong to us.

For more information on our rights and the T-shirts featuring 15 key articles of the European Convention on Human rights, please consult:

→ <https://go.coe.int/jQHQx>



This brochure includes pictures of several personalities;

- **Florence Aubenas**, journalist, President of the International Observatory of Prisons
- **Abd Al Malik**, rapper and author
- **Tomi Ungerer**, writer, illustrator and cartoonist.
- **Barbara Hendricks**, opera singer, founder and president of the Foundation for Peace and Reconciliation
- **Lilian Thuram**, former professional footballer, founder and president of the Education against Racism Foundation

Raising awareness of human rights among young people is one of the Council of Europe's most important missions. Help your students to forge a democratic tomorrow with these highly accessible teaching resources.

This instructive brochure gives a comprehensive overview of the European Convention on Human Rights and the different rights contained within it. It also details the work of the European Court of Human Rights and how its judgments affect our daily lives. Finally, it includes case studies and practical exercises for group activities - students can discover and share how human rights have a major impact on each and every one of us.

With both a theoretical and practical content, the brochure provides a dynamic resource to help teachers foster awareness of human rights. It will be a valuable resource for teaching professionals, volunteers and youth leaders.

**[www.coe.int](http://www.coe.int)**

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.