

Na podlagi druge alinee, prvega odstavka 107. člena in prvega odstavka 91. člena Ustave Republike Slovenije izdajam

UKAZ

O RAZGLASITVI ZAKONA O RATIFIKACIJI KONVENCIJE O VARSTVU ČLOVEKOVIH PRAVIC IN TEMELJNIH SVOBOŠČIN, SPREMENJENE S PROTOKOLI ŠT. 3, 5 IN 8 TER DOPOLNJENE S PROTOKOLOM ŠT. 2, TER NJENIH PROTOKOLOV ŠT. 1, 4, 6, 7, 9, 10 IN

11

Razglašam Zakon o ratifikaciji Konvencije o varstvu človekovih pravic in temeljnih svoboščin, spremenjene s protokoli št. 3, 5 in 8 ter dopolnjene s protokolom št. 2, ter njenih protokolov št. 1, 4, 6, 7, 9, 10 in 11, ki ga je sprejel Državni zbor Republike Slovenije na seji dne 31. maja 1994.

Št. 012-01/94-65

Ljubljana, dne 8. junija 1994.

Predsednik Republike Slovenije Milan Kučan l. r.

ZAKON

O RATIFIKACIJI KONVENCIJE O VARSTVU ČLOVEKOVIH PRAVIC IN TEMELJNIH SVOBOŠČIN, SPREMENJENE S PROTOKOLI ŠT. 3, 5 IN 8 TER DOPOLNJENE S PROTOKOLOM ŠT. 2, TER NJENIH PROTOKOLOV ŠT. 1, 4, 6, 7, 9, 10 IN 11

1. člen

Ratificirajo se Konvencija o varstvu človekovih pravic in temeljnih svoboščin z dne 4. novembra 1950, spremenjena s protokoli št. 3, 5 in 8 in dopolnjena s Protokolom št. 2 h Konvenciji o varstvu človekovih pravic in temeljnih svoboščin, ki podeljuje Evropskemu sodišču za človekove pravice pristojnosti za dajanje svetovalnih mnenj, z dne 6. maja 1963, Protokol h Konvenciji o varstvu človekovih pravic in temeljnih svoboščin z dne 20. marca 1952, Protokol št. 4 h Konvenciji o varstvu človekovih pravic in temeljnih svoboščin, ki zagotavlja pravice in svoboščine, ki še niso vključene v Konvencijo in v Protokol h Konvenciji, z dne 16. septembra 1963, Protokol št. 6 h Konvenciji o varstvu človekovih pravic in temeljnih svoboščin, ki zadeva odpravo smrtne kazni, z dne 28. aprila 1983, Protokol št. 7 h Konvenciji o varstvu človekovih pravic in temeljnih svoboščin-z dne 22. novembra 1984, Protokol št. 9 h Konvenciji o varstvu človekovih pravic in temeljnih svoboščin z dne 6. novembra 1990. Protokol št. 10 h Konvenciji o varstvu človekovih pravic in temeljnih svoboščin z dne 25. marca 1992 in Protokol št. 11 h Konvenciji o varstvu človekovih pravic in temeljnih svoboščin, ki preoblikuje nadzorne mehanizme, vzpostavljene s Konvencijo, z dne 11. maja 1994.

2. člen

Konvencija in njeni protokoli iz 1. člena se v angleškem izvirniku in slovenskem prevodu glasijo:

CONVENTION

FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS AMENDED BY PROTOCOLS NOS. 3, 5 AND 8, AND COMPLETED BY PROTOCOL NO. 2

The governments signatory hereto, being members of the Council of Europe,

Considering the Universal Declaration of Human Rights proclaimed by the General Assembly of the United Nations on 10th December 1948;

Considering that this declaration aims at securing the universal and effective recognition and observance of the rights therein declared;

Considering that the aim of the Council of Europe is the achievement of greater unity between its members and that one of the methods by which that aim is to be pursued is the maintenance and further realisation of human rights and fundamental freedoms;

Reaffirming their profound belief in those fundamental freedoms which are the foundation of justice and peace in the world and are best maintained on the one hand by an effective political democracy and on the other by a common understanding and observance of the human rights upon which they depend;

Being resolved, as the governments of European countries which are like-minded and have a common heritage of political traditions, ideals, freedom and the rule of law, to take the first steps for the collective enforcement of certain of the rights stated in the Universal Declaration,

Have agreed as follows:

Article 1

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

SECTION I

Article 2

1. Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.
2. Deprivation of life shall not be regarded as inflicted in contravention of this article when it results from the use of force which is no more than absolutely necessary:
 - a. in defence of any person from unlawful violence;
 - b. in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;
 - c. in action lawfully taken for the purpose of quelling a riot of insurrection.

Article 3

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

Article 4

1. No one shall be held in slavery or servitude.
2. No one shall be required to perform forced or compulsory labour.

3. For the purpose of this Article the term "forced or compulsory labour" shall not include:
- a. any work required to be done in the ordinary course of detention imposed according to the provisions of Article 5 of this Convention or during conditional release from such detention;
 - b. any service of a military character or, in case of conscientious objectors in countries where they are recognised, service exacted instead of compulsory military service;
 - c. any service exacted in case of an emergency or calamity threatening the life or well-being of the community;
 - d. any work or service which forms part of normal civic obligations.

Article 5

1. Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law:
 - a. the lawful detention of a person after conviction by a competent court;
 - b. the lawful arrest or detention of a person for non-compliance with the lawful order of a court or in order to secure the fulfilment of any obligation prescribed by law;
 - c. the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;
 - d. the detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority;
 - e. the lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts or vagrants;
 - f. the lawful arrest or detention of a person to prevent his effecting an unauthorised entry into, the country or of a person against whom action is being taken with a view to deportation or extradition.
2. Everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him.
3. Everyone arrested or detained in accordance with the provisions of paragraph 1.c of this article shall be brought promptly before a judge or other officer authorised by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial.
4. Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.
5. Everyone who has been the victim of arrest or detention in contravention of the provisions of this article shall have an enforceable right to compensation.

Article 6

1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgement shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public

order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.
3. Everyone charged with a criminal offence has the following minimum rights:
 - a. to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;
 - b. to have adequate time and facilities for the preparation of his defence;
 - c. to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;
 - d. to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
 - e. to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

Article 7

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the criminal offence was committed.
2. This article shall not prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognised by civilised nations.

Article 8

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Article 9

1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.
2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

Article 10

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

Article 11

1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.
2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the state.

Article 12

Men and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of this right.

Article 13

Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.

Article 14

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Article 15

1. In time of war or other public emergency threatening the life of the nation any High Contracting Party may take measures derogating from its obligations under this Convention to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law.
2. No derogation from Article 2, except in respect of -deaths resulting from lawful acts of war, or from Articles 3, 4 (paragraph 1) and 7 shall be made under this provision.
3. Any High Contracting Party availing itself of this right of derogation shall keep the Secretary General of the Council of Europe fully informed of the measures which it has taken and the reasons therefor. It shall also inform the Secretary General of the Council of Europe when such measures have ceased to operate and the provisions of the Convention are again being fully executed.

Article 16

Nothing in Articles 10, 11 and 14 shall be regarded as preventing the High Contracting Parties from imposing restrictions on the political activity of aliens.

Article 17

Nothing in this Convention may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth herein or at their limitation to a greater extent than is provided for in the Convention.

Article 18

The restrictions permitted under this Convention to the said rights and freedoms shall not be applied for any purpose other than those for which they have been prescribed.

SECTION II

Article 19

To ensure the observance of the engagements undertaken by the High Contracting Parties in the present Convention, there shall be set up:

- a. A European Commission of Human Rights, hereinafter referred to as "the Commission";
- b. A European Court of Human Rights, hereinafter referred to as "the Court".

SECTION III

Article 20

1. The Commission shall consist of a number of members equal to that of the High Contracting Parties. No two members of the Commission may be nationals of the same State.
2. The Commission shall sit in plenary session. It may, however, set up chambers, each composed of at least seven members. The chambers may examine petitions submitted under Article 25 of this Convention which can be dealt with on the basis of established case law or which raise no serious question affecting the interpretation or application of the Convention. Subject to this restriction and to the provisions of paragraph 5 of this article, the chambers shall exercise all the powers conferred on the Commission by the Convention.

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

3. The Commission may set up committees, each composed of at least three members, with the power, exercisable by a unanimous vote, to declare inadmissible or strike from its list of cases a petition submitted under Article 25, when such a decision can be taken without further examination.
4. A chamber or committee may at any time relinquish jurisdiction in favour of the plenary Commission which may also order the transfer to it of any petition referred to a chamber or committee.
5. Only the plenary Commission can exercise the following powers:
 - a. the examination of applications submitted under Article 24;
 - b. the bringing of a case before the Court in accordance with Article 48.a;
 - c. the drawing up of rules of procedure in accordance with Article 36.

Article 21

1. The members of the Commission shall be elected by the Committee of Ministers by an absolute majority of votes, from a list of names drawn up by the Bureau of the Consultative Assembly; each group of the representatives of the High Contracting Parties in the Consultative Assembly shall put forward three candidates, of whom two at least shall be its nationals.
2. As far as applicable, the same procedure shall be followed to complete the Commission in the event of other States subsequently becoming Parties to this Convention, and in filling casual vacancies.
3. The candidates shall be of high moral character and must either possess the qualifications required for appointment to high judicial office or be persons of recognised competence in national or international law.

Article 22

1. The members of the Commission shall be elected for a period of six years. They may be reelected. However, of the members elected at the first election, the terms of seven members shall expire at the end of three years.

2. The members whose terms are to expire at the end of the initial period of three years shall be chosen by lot by the Secretary General of the Council of Europe immediately after the first election has been completed.
3. In order to ensure that, as far as possible, one half of the membership of the Commission shall be renewed every three years, the Committee of Ministers may decide, before proceeding to any subsequent election, that the term or terms of office of one or more members to be elected shall be for a period other than six years but not more than nine and not less than three years.
4. In cases where more than one term of office is involved and the Committee of Ministers applies the preceding paragraph, the allocation of the terms of office shall be effected by the drawing of lots by the Secretary General, immediately after the election.
5. A member of the Commission elected to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term.
6. The members of the Commission shall hold office until replaced. After having been replaced, they shall continue to deal with such cases as they already have under consideration.

Article 23

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

Article 24

Any High Contracting Party may refer to the Commission, through the Secretary General of the Council of Europe, any alleged breach of the provisions of the Convention by another High Contracting Party.

Article 25

1. The Commission may receive petitions addressed to the Secretary General of the Council of Europe from any person, non-governmental organisation or group of individuals claiming to be the victim of a violation by one of the High Contracting Parties of the rights set forth in this Convention, provided that the High Contracting Party against which the complaint has been lodged has declared that it recognises the competence of the Commission to receive such petitions. Those of the High Contracting Parties who have made such a declaration undertake not to hinder in any way the effective exercise of this right.
2. Such declarations may be made for a specific period.
3. The declarations shall be deposited with the Secretary General of the Council of Europe who shall transmit copies thereof to the High Contracting Parties and publish them.
4. The Commission shall only exercise the powers provided for in this article when at least six High Contracting Parties are bound by declarations made in accordance with the preceding paragraphs.

Article

The Commission may Only deal with the matter after all domestic remedies have been exhausted, according to the generally recognised rules of international law, and within a period of six months from the date on which the final decision was taken.

Article 27

1. The Commission shall not deal with any petition submitted under Article 25 which:
 - a. is anonymous, or
 - b. is substantially the same as a matter which has already been examined by the Commission or has already been submitted to another procedure of international investigation or settlement and if it contains no relevant new information.
2. The Commission shall consider inadmissible any petition submitted under Article 25 which it considers incompatible with the provisions of the present Convention, manifestly ill-founded, or an abuse of the right of petition.
3. The Commission shall reject any petition referred to it which it considers inadmissible under Article 26.

Article 28

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

Article 29

After it has accepted a petition submitted under Article 25, the Commission may nevertheless decide by a majority of two-thirds of its members to reject the petition if, in the course of its examination, it finds that the existence of one of the grounds for non-acceptance provided for in Article 27 has been established.

In such a case, the decision shall be communicated to the parties.

Article 30

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

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

However, the Commission shall continue the examination of a petition if respect for human rights" as defined in this Convention so requires.

- 2. If the Commission decides to strike a petition out of its list after having accepted it, it shall draw up a report which shall contain a statement of the facts and the decision striking out the petition together with the reasons therefor. The report shall be transmitted to the parties, as well as to the Committee of Ministers for information. The Commission may publish it.
- 3. The Commission may decide to restore a petition to its list of cases if it considers that the circumstances justify such a course.

Article 31

- 1. If the examination of a petition has not been completed in accordance with Article 28 (paragraph 2), 29 or 30, the Commission shall draw up a report on the facts and state its opinion as to whether the facts found disclose a breach by the State concerned of its obligations under the Convention. The individual opinions of members of the Commission on this point may be stated in the report.
- 2. The report shall be transmitted to the Committee of Ministers. It shall also be transmitted to the States concerned, who shall not be at liberty to publish it.
- 3. In transmitting the report to the Committee of Ministers the Commission may make such proposals as it thinks fit.

Article 32

- 1. If the question is not referred to the Court in accordance with Article 48 of this Convention within a period of three months from the date of the transmission of the report to the Committee of Ministers, the Committee of Ministers shall decide by a majority of two-thirds of the members entitled to sit on the Committee whether there has been a violation of the Convention.
- 2. In the affirmative case the Committee of Ministers shall prescribe a period during which the High Contracting Party concerned must take the measures required by the decision of the Committee of Ministers.
- 3. If the High Contracting Party concerned has not taken satisfactory measures within the prescribed period, the Committee of Ministers shall decide by the majority provided for in paragraph 1 above what effect shall be given to its original decision and shall publish the report.
- 4. The High Contracting Parties undertake to regard as binding on them any decision which the Committee of Ministers may take in application of the preceding paragraphs.

Article 33

The Commission shall meet in camera.

Article 34 Subject to the provisions of Articles 20 (paragraph 3) and 29, the Commission shall take its decisions by a majority of the members present and voting.

Article 35

The Commission shall meet as the circumstances require. The meetings shall be convened by the Secretary General of the Council of Europe.

Article 36

The Commission shall draw up its own rules of procedure.

Article 37

The secretariat of the Commission shall be provided by the Secretary General of the Council of Europe.

SECTION IV

Article 38

The European Court of Human Rights shall consist of a number of judges equal to that of the members of the Council of Europe. No two judges may be nationals of the same State.

Article 39

1. The members of the Court shall be elected by the Consultative Assembly by a majority of the votes cast from a list of persons nominated by the members of the Council of Europe; each Member, shall nominate three candidates, of whom two at least shall be its nationals.
2. As far as applicable, the same procedure shall be followed to complete the Court in the event of the admission of new members of the Council of Europe, and in filling casual vacancies.
3. The candidates shall be of high moral character and must either possess the qualifications required for appointment to high judicial office or be jurisconsults of recognised competence.

Article 40

1. The members of the Court shall be elected for a period of nine years. They may be re-elected. However, of the members elected at the first election the terms of four members shall expire at the end of three years, and the terms of four more members shall expire at the end of six years.
2. The members whose terms are to expire at the end of the initial periods of three and six years shall be chosen by lot by the Secretary General immediately after the first election has been completed.
3. In order to ensure that, as far as possible, one third of the membership of the Court shall be renewed every three years, the Consultative Assembly may decide, before proceeding to

any subsequent election, that the term or terms of office of one or more members to be elected shall be for a period other than nine years but not more than twelve and not less than six years.

4. In cases where more than one term of office is involved and the Consultative Assembly applies the preceding paragraph, the allocation of the terms of office shall be effected by the drawing of lots by the Secretary General, immediately after the election.
5. A member of the Court elected to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term.
6. The members of the Court shall hold office until replaced. After having been replaced, they shall continue to deal with such cases as they already have under consideration.
7. The members of the Court shall sit on the Court in their individual capacity. During their term of office they shall not hold any position which is incompatible with their independence and impartiality as members of the Court or the demands of this office.

Article 41

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

Article 42

The members of the Court shall receive for each day of duty a compensation to be determined by the Committee of Ministers.

Article 43

For the consideration of each case brought before it the Court shall consist of a chamber composed of nine judges. There shall sit as an ex-officio member of the chamber the judge who is a national of any State party concerned, or, if there is none, a person of its choice who shall sit in the capacity of judge; the names of the other judges shall be chosen by lot by the President before the opening of the case.

Article 44

Only the High Contracting Parties and the Commission shall have the right to bring a case before the Court.

Article 45

The jurisdiction of the Court shall extend to all cases concerning the interpretation and application of the present Convention which the High Contracting Parties or the Commission shall refer to it in accordance with Article 48.

Article 46

1. Any of the High Contracting Parties may at any time declare that it recognises as compulsory ipso facto and without special agreement the jurisdiction of the Court in all matters concerning the interpretation and application of the present Convention.

2. The declarations referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain other High Contracting Parties or for a specified period.
3. These declarations shall be deposited with the Secretary General of the Council of Europe who shall transmit copies thereof to the High Contracting Parties.

Article 47

The Court may only deal with a case after the Commission has acknowledged the failure of efforts for a friendly settlement and within the period of three months provided for in Article 32.

Article 48

The following may bring a case before the Court, provided that the High Contracting Party concerned, if there is only one, or the High Contracting Parties concerned, if there is more than one, are subject to the compulsory jurisdiction of the Court or, failing that, with the consent of the High Contracting Party concerned, if there is only one, or of the High Contracting Parties concerned if there is more than one:

- a. the Commission;
- b. a High Contracting Party whose national is alleged to be a victim;
- c. a High Contracting Party which referred the case to the Commission;
- d. a High Contracting Party against which the complaint has been lodged.

Article 49

In the event of dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.

Article 50

If the Court finds that a decision or a measure taken by a legal authority or any other authority of a High Contracting Party is completely or partially in conflict with the obligations arising from the present Convention, and if the internal law of the said Party allows only partial reparation to be made for the consequences of this decision or measure, the decision of the Court shall, if necessary, afford just satisfaction to the injured party.

Article 51

1. Reasons shall be given for the judgment of the Court.
2. If the judgment does not represent in whole or in part the unanimous opinion of the judges, any judge shall be entitled to deliver a separate opinion.

Article 52

The judgment of the Court shall be final.

Article 53 The High Contracting Parties undertake to abide by the decision of the Court in any case to which they are parties.

Article 54 The judgment of the Court shall be transmitted to the Committee of Ministers which shall supervise its execution.

Article 55

The Court shall draw up its own rules and shall determine its own procedure.

Article 56

1. The first election of the members of the Court shall take place after the declarations by the High Contracting Parties mentioned in Article 46 have reached a total of eight.
2. No case can be brought before the Court before this election.

SECTION V

Article 57

On receipt of a request from the Secretary General of the Council of Europe any High Contracting Party shall furnish an explanation of the manner in which its internal law ensures the effective implementation of any of the provisions of the Convention.

Article 58

The expenses of the Commission and the Court shall be borne by the Council of Europe.

Article 59

The members of the Commission and of the Court shall be entitled, during the discharge of their functions, to the privileges and immunities provided for in Article 40 of the Statute of the Council of Europe and in the agreements made thereunder.

Article 60

Nothing in this Convention shall be construed as limiting or derogating from any of the human rights and fundamental freedoms which may be ensured under the laws of any High Contracting Party or under any other agreement to which it is a Party.

Article 61

Nothing in this Convention shall prejudice the powers conferred on the Committee of Ministers by the Statute of the Council of Europe.

Article 62

The High Contracting Parties agree that, except by special agreement, they will not avail themselves of treaties, conventions or declarations in force between them for the purpose

of submitting, by way of petition, a dispute arising out of the interpretation or application of this Convention to a means of settlement other than those provided for in this Convention.

Article 63

1. Any State may at the time of its ratification or at any time thereafter declare, by notification addressed to the Secretary General of the Council of Europe that the present Convention shall extend to all or any of the territories for whose international relations it is responsible.
2. The Convention shall extend to the territory or territories named in the notification as from the thirtieth day after the receipt of this notification by the Secretary General of the Council of Europe.
3. The provisions of this Convention shall be applied in such territories with due regard, however, to local requirements.
4. Any State which has made a declaration in accordance with paragraph 1 of this Article may at any time thereafter declare on behalf of one or more of the territories to which the declaration relates that it accepts the competence of the Commission to receive petitions from individuals, non-governmental organisations or groups of individuals in accordance with Article 25 of the present Convention.

Article 64

1. Any State may, when signing this Convention or when depositing its instrument of ratification, make a reservation in respect of any particular provision of the Convention to the extent that any law then in force in its territory is not in conformity with the provision. Reservations of a general character shall not be permitted under this article.
2. Any reservation made under this article shall contain a brief statement of the law concerned.

Article 65

1. A High Contracting Party may denounce the present Convention only after the expiry of five years from the date on which it became a Party to it and after six months' notice contained in a notification addressed to the Secretary General of the Council of Europe, who shall inform the other High Contracting Parties.
2. Such a denunciation shall not have the effect of releasing the High Contracting Party concerned from its obligations under this Convention in respect of any act which, being capable of constituting a violation of such obligations, may have been performed by it before the date at which the denunciation became effective.
3. Any High Contracting Party which shall cease to be a member of the Council of Europe shall cease to be a Party to this Convention under the same conditions.
4. The Convention may be denounced in accordance with the provisions of the preceding paragraphs in respect of any territory to which it has been declared to extend under the terms of Article 63.

Article 66

1. This Convention shall be open to the signature of the members of the Council of Europe. It shall be ratified. Ratifications shall be deposited with the Secretary General of the Council of Europe.
2. The present Convention shall come into force after the deposit of ten instruments of ratification.
3. As regards any signatory ratifying subsequently, the Convention shall come into force at the date of the deposit of its instrument of ratification.
4. The Secretary General of the Council of Europe shall notify all the members of the Council of Europe of the entry into force of the Convention, the names of the High Contracting Parties who have ratified it, and the deposit of all instruments of ratification which may be effected subsequently.

Done at Rome this 4th day of November 1950 in English and French, both texts being equally authentic, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary General shall transmit certified copies to each of the signatories.

PROTOCOL NO. 2

TO THE CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS CONFERRING UPON THE EUROPEAN COURT OF HUMAN RIGHTS COMPETENCE TO GIVE ADVISORY OPINIONS

The member States of the Council of Europe signatory hereto:

Having regard to the provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms signed at Rome on 4 November 1950 (hereinafter referred to as "the Convention") and, in particular, Article 19 instituting, among other bodies, a European Court of Human Rights (hereinafter referred to as "the Court");

Considering that it is expedient to confer upon the Court competence to give advisory opinions subject to certain conditions,

Have agreed as follows:

Article 1

1. The Court may, at the request of the Committee of Ministers, give advisory opinions on legal questions concerning the interpretation of the Convention and the protocols thereto.
2. Such opinions shall not deal with any question relating to the content or scope of the rights or freedoms defined in Section 1 of the Convention and in the protocols thereto, or with any other question which the Commission, the Court or the Committee of Ministers might have to consider in consequence of any such proceedings as could be instituted in accordance with the Convention.
3. Decisions of the Committee of Ministers to request an advisory opinion of the Court shall require a two-thirds majority vote of the representatives entitled to sit on the Committee.

Article 2

The Court shall decide whether a request for an advisory opinion submitted by the Committee of Ministers is within its consultative competence as defined in Article 1 of this Protocol.

Article 3

1. For the consideration of requests for an advisory opinion, the Court shall sit in plenary session.
2. Reasons shall be given for advisory opinions of the Court.
3. If the advisory opinion does not represent in whole or in part the unanimous opinion of the judges, any judge shall be entitled to deliver a separate opinion.
4. Advisory opinions of the Court shall be communicated to the Committee of Ministers.

Article 4 The powers of the Court under Article 55 of the Convention shall extend to the drawing up of such rules and the determination of such procedure as the Court may think necessary for the purposes of this Protocol.

Article 5

1. This Protocol shall be open to signature by member States of the Council of Europe, signatories to the Convention, who may become Parties to it by:
 - a. signature without reservation in respect of ratification or acceptance;
 - b. signature with reservation in respect of ratification or acceptance, followed by ratification or acceptance.

Instruments of ratification or acceptance shall be deposited with, the Secretary General of the Council of Europe.

2. This Protocol shall enter into force as soon as all States Parties to the Convention shall have become Parties to the Protocol, in accordance with the provisions of paragraph 1 of this article.
3. From the date of the entry into force of this Protocol, Articles 1 to 4 shall be considered an integral part of the Convention.
4. The Secretary General of the Council, of Europe shall notify the member States of the Council of:
 - a. any signature without reservation in respect of ratification or acceptance;
 - b. any signature with reservation in respect of ratification or acceptance;
 - c. the deposit of any instrument of ratification or acceptance;
 - d. the date of entry into force of this Protocol in accordance with paragraph 2 of this article.

In witness whereof, the undersigned, being duly authorised thereto, have signed this Protocol.

Done at Strasbourg, this 6th day of May 1963, in English and French, both texts being equally authoritative, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary General shall transmit certified copies to each of the signatory States.

PROTOCOL

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

The governments signatory hereto, being members of the Council of Europe,

Being resolved to take steps to ensure the collective enforcement of certain rights and freedoms other than those already included in Section I of the Convention for the Protection of Human Rights and Fundamental Freedoms signed at Rome on 4 November, 1950 (hereinafter referred to as "the Convention"),

Have agreed as follows:

Article 1

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest' and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

Article 2

No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

Article 3

The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature.

Article 4

Any High Contracting Party may at the time of signature or ratification or at any time thereafter communicate to the Secretary General of the Council of Europe a declaration stating the extent to which it undertakes that the provisions of the present Protocol shall apply to such of the territories for the international relations of which it is responsible as are named therein.

Any High Contracting Party which has communicated a declaration in virtue of the preceding paragraph may from time to time communicate a further declaration modifying the terms of any former declaration or terminating the application of the provisions of this Protocol in respect of any territory.

A declaration made in accordance with this Article shall be deemed to have been made in accordance with paragraph 1 of Article 63 of the Convention.

Article 5

As between the High Contracting Parties the provisions of Articles 1, 2, 3 and 4 of this Protocol shall be regarded as additional articles to the Convention and all the provisions of the Convention shall apply accordingly.

Article 6

This Protocol shall be open for signature by the members of the Council of Europe, who are the signatories of the Convention; it shall be ratified at the same time as or after the ratification of the Convention. It shall enter into force after the deposit of ten instruments of ratification. As regards any signatory ratifying subsequently, the Protocol, shall enter into force at the date of the deposit of its instrument of ratification.

The instruments of ratification shall be deposited with the Secretary General of the Council of Europe, who will notify all members of the names of those who have ratified.

Done at Paris on the 20th day of March 1952, in English and French, both texts being equally authentic, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary General shall transmit certified copies to each of the signatory governments.

PROTOCOL NO. 4

TO THE CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS SECURING CERTAIN RIGHTS AND FREEDOMS OTHER THAN THOSE INCLUDED IN THE CONVENTION AND IN THE FIRST PROTOCOL THERETO

The governments signatory hereto, being members of the Council of Europe,

Being resolved to take steps to ensure the collective enforcement of certain rights and freedoms other than those already included in Section 1 of the Convention for the Protection of Human Rights and Fundamental Freedoms signed at Rome on 4 November 1950 (hereinafter referred to as »the Convention«) and in Articles 1 to 3 of the First Protocol to the Convention, signed at Paris on 20th March 1952,

Have agreed as follows:

Article 1

No one shall be deprived of his liberty merely on the ground of inability to fulfil a contractual obligation.

Article 2

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
2. Everyone shall be free to leave any country, including his own.

3. No restrictions shall be placed on the exercise of these rights other than such as are in accordance with law and are necessary in a democratic society in the interests of national security or public safety, for the, maintenance of ordre public, for the prevention of crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.
4. The rights set forth in paragraph 1 may also be subject, in particular areas, to restrictions imposed in accordance with law and justified by the public interest in a democratic society.

Article 3

1. No one shall be expelled, by means either of an individual or of a collective measure, from the territory of the State of which he is a national.
2. No one shall be deprived of the right to enter the territory of the State of which he is a national.

Article 4

Collective expulsion of aliens is prohibited.

Article 5

1. Any High Contracting Party may, at the time of signature or ratification of this Protocol, or at any time thereafter, communicate to the Secretary General of the Council of Europe a declaration stating the extent to which it undertakes that the provisions of this Protocol shall apply to such of the territories for the international relations of which it is responsible as are named therein.
2. Any High Contracting Party which communicated a declaration in virtue of the preceding paragraph may, from time to time, communicate a further declaration modifying the terms of any former declaration of terminating the application of the provisions of this Protocol in respect of any territory.
3. A declaration made in accordance with this article shall be deemed to have been made in accordance with paragraph 1 of Article 63 of the Convention.
4. The territory of any State to which this Protocol applies by virtue of ratification or acceptance by that State, and each territory to which this Protocol is applied by virtue of a declaration by that State under this article, shall be treated as separate territories for the purpose of the references in Articles 2 and 3 to the territory of a State.

Article 6

1. As between the High Contracting Parties the provisions of Articles 1 to 5 of this Protocol shall be regarded as additional articles to the Convention, and all the provisions of the Convention shall apply accordingly.
2. Nevertheless, the right of individual recourse recognised by a declaration made under Article 25 of the Convention, or the acceptance of the compulsory Jurisdiction of the Court by a declaration made under.

Article 46 of the Convention, shall not be effective in relation to this Protocol unless the High Contracting Party concerned has made a statement recognising such right, or accepting such jurisdiction, in respect of all or any of Articles 1 to 4 of the Protocol.

Article 7

1. This Protocol shall be open for signature by the members of the Council of Europe who are the signatories of the Convention; it shall be ratified at the same time as or after the ratification of the Convention. It shall enter into force after the deposit of five instruments of ratification. As regards any signatory ratifying subsequently, the Protocol shall enter into force at the date of the deposit of its instrument of ratification.
2. The instruments of ratification shall be deposited with the Secretary General of the Council of Europe, who will notify all members of the names of those who have ratified.

In witness whereof the undersigned, being duly authorised thereto, have signed this Protocol.

Done at Strasbourg, this 16th day of September 1963, in English and in French, both texts being equally authoritative, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary General shall transmit certified copies to each of the signatory States.

PROTOCOL NO. 6

TO THE CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, CONCERNING THE ABOLITION OF THE DEATH PENALTY

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

Considering that the evolution that has occurred in several member States of the Council of Europe expresses a general tendency in favour of abolition of the death penalty.

Have agreed as follows:

Article 1

The death penalty shall be abolished. No one shall be condemned to such penalty or executed.

Article 2

A State may make provision in its law for the death penalty in respect of acts committed in time of war or of imminent threat of war; such penalty shall be applied only in the instances laid down in the law and in accordance with its provisions. The State shall communicate to the Secretary General of the Council of Europe the relevant provisions of the law.

Article 3

No derogation from the provisions of this Protocol shall be made under Article 15 of the Convention.

Article 4

No reservation may be made under Article 64 of the Convention in respect of the provisions of this Protocol.

Article 5

1. Any State may, at the time of signature or when depositing its instrument of ratification, acceptance or approval, specify the territory or territories to which this Protocol shall apply.
2. Any State may at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Protocol to any other territory specified in the declaration. In respect of such territory the Protocol shall enter into force on the first day of the month following the date of receipt of such declaration by the Secretary General.
3. Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General. The withdrawal shall become effective on the first day of the month following the date of receipt of such notification by the Secretary General.

Article 6

As between the States Parties the provisions of Articles 1 to 5 of this Protocol shall be regarded as additional articles to the Convention and all the provisions of the Convention shall apply accordingly.

Article 7

This Protocol shall be open for signature by the member States of the Council of Europe, signatories to the Convention. It shall be subject to ratification, acceptance or approval. A member State of the Council of Europe may not ratify, accept or approve this Protocol unless it has, simultaneously or previously, ratified the Convention. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

Article 8

1. This Protocol shall enter into force on the first day of the month following the date on which five member States of the Council of Europe have expressed their consent to be bound by the Protocol in accordance with the provisions of Article 7.
2. In respect of any member State which subsequently expresses its consent to be bound by it, the Protocol shall enter into force on the first day of the month following the date of the deposit of the instrument of ratification, acceptance or approval.

Article 9

The Secretary General of the Council of Europe shall notify the member States of the Council of:

- a. any signature;
- b. the deposit of any instrument of ratification, acceptance or approval;
- c. any date of entry into force of this Protocol in accordance with Articles 5 and 8;
- d. any other act, notification or communication relating to this Protocol.

In witness whereof the undersigned, being duly authorised thereto, have signed this Protocol.

Done at Strasbourg, this 28th day of April 1983, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe.

PROTOCOL NO. 7

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

The member States of the Council of Europe signatory hereto,

Being resolved to take further steps to ensure the collective enforcement of certain rights and freedoms by means of the Convention for the Protection of Human Rights and Fundamental Freedoms signed at Rome on 4 November 1950 (hereinafter referred to as »the Convention«),

Have agreed as follows:

Article 1

1. An alien lawfully resident in the territory of a State shall not be expelled therefrom except in pursuance of a decision reached in accordance with law and shall be allowed:
 - a. to submit reasons against his expulsion;
 - b. to have his case reviewed; and
 - c. to be represented for these purposes before the competent authority or a person or persons designated by that authority.
2. An alien may be expelled before the exercise of his rights under paragraph 1.a, b and c of this article, when such expulsion is necessary in the interests of public order or is grounded on reasons of national security.

Article 2

1. Everyone convicted of a criminal offence by a tribunal shall have the right to have his conviction or sentence reviewed by a higher tribunal. The exercise of this right, including the grounds on which it may be exercised, shall be governed by law.
2. This right may be subject to exceptions in regard to offences of a minor character, as prescribed by law, or in cases in which the person concerned was tried in the first instance by the highest tribunal or was convicted following an appeal against acquittal.

Article 3

When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed, or he has been pardoned, on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result to such conviction shall be compensated according to the law or the practice of the State concerned, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

Article 4

1. No one shall be liable to be tried or punished again in criminal proceedings under the jurisdiction of the same State for an offence for which he has already been finally acquitted or convicted in accordance with the law and penal procedure of that State.
2. The provisions of the preceding paragraph shall not prevent the reopening of the case in accordance with law and penal procedure of the State concerned, if there is evidence of new or newly discovered facts, or if there has been a fundamental defect in the previous proceedings', which could affect the outcome of the case.
3. No derogation from this article shall be made under Article 15 of the Convention.

Article 5

Spouses shall enjoy equality of rights and responsibilities of a private law character between them, and in their relations with their children, as to marriage, during marriage and in the event of its dissolution. This article shall not prevent States from taking such measures as are necessary in the interests of the children.

Article 6

1. Any State may, at the time signature or when depositing its instrument of ratification, acceptance or approval, specify the territory or territories to which this Protocol shall apply and state the extent to which it undertakes that the provisions of this Protocol shall apply to such territory or territories.
2. Any State may at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Protocol to any other territory specified in the declaration. In respect of such territory the Protocol shall enter into force on the first day of the month following the expiration of a period of two months after the date of receipt by the Secretary General of such declaration.
3. Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn or modified by a notification addressed to the Secretary General. The withdrawal or modification shall become effective on the first day of the month following the expiration of a period of two months after the date of receipt of such notification by the Secretary General.
4. A declaration made in accordance with this article shall be deemed to have been made in accordance with paragraph 1 of Article 63 of the Convention.

5. The territory of any State to which this Protocol applies by virtue of ratification, acceptance or approval by that State, and each territory to which this Protocol is applied by virtue of a declaration by that State under this article, may be treated as separate territories for the purpose of the reference in Article 1 to the territory of a State.

Article 7

1. As between the States Parties, the provisions of Articles 1 to 6 of this Protocol shall be regarded as additional articles to the Convention, and all the provisions of the Convention shall apply accordingly.
2. Nevertheless, the right of individual recourse recognised by a declaration made under Article 25 of the Convention, or the acceptance of the compulsory jurisdiction of the Court by a declaration made under Article 46 of the Convention, shall not be effective in relation to this Protocol unless the State concerned has made a statement recognising such right, or accepting such jurisdiction in respect of Articles 1 to 5 of this Protocol.

Article 8

This Protocol shall be open for signature by member States of the Council of Europe which have signed the Convention. It is subject to ratification, acceptance or approval. A member State of the Council of Europe may not ratify, accept or approve this Protocol without previously or simultaneously ratifying the Convention. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

Article 9

1. This Protocol shall enter into force on the first day of the month following the expiration of a period of two months after the date on which seven member States of the Council of Europe have expressed their consent to be bound by the Protocol in accordance with the provisions of Article 8.
2. In respect of any member State which subsequently expresses its consent to be bound by it, the Protocol shall enter into force on the first day of the month following the expiration of a period of two months after the date of the deposit of the instrument of ratification, acceptance or approval.

Article 10 The Secretary General of the Council of Europe shall notify all the member States of the Council of Europe of:

- a. any signature;
- b. the deposit of any instrument of ratification, acceptance or approval;
- c. any date of entry into force of this Protocol in accordance with Articles 6 and 9;
- d. any other act, notification or declaration relating to this Protocol.

In witness whereof the undersigned, being duly authorised thereto, have signed this Protocol.

Done at Strasbourg, this 22nd day of November 1984, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe.

PROTOCOL NO. 9

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

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

Being resolved to make further improvements to the procedure under the Convention,

Have agreed as follows:

Article 1

For Parties to the Convention which are bound by this protocol, the Convention shall be amended as provided in Articles 2 to 5.

Article 2

Article 31, paragraph 2, of the Convention, shall read as follows:

"2. The report shall be transmitted to the Committee of Ministers. The report shall also be transmitted to the States concerned and, if it deals with a petition submitted under Article 25, the applicant. The States concerned and the applicant shall not be at liberty to publish it."

Article 3

Article 44 of the Convention shall read as follows: "Only the High Contracting Parties, the Commission, and persons, non-governmental organisations or groups of individuals having submitted a petition under Article 25 shall have the right to bring a case before the Court."

Article 4

Article 45 of the Convention shall read as follows: "The jurisdiction of the Court shall extend to all cases concerning the interpretation and application of the present Convention which are referred to it in accordance with Article 48."

Article 5

Article 48 of the Convention shall read as follows: "1. The following may refer a case to the Court, provided that the High Contracting Party concerned, if there is only one, or the High Contracting Parties concerned, if there is more than one, are subject to the compulsory

jurisdiction of the Court or failing that, with the consent of the High Contracting Party concerned, if there is only one, or of the High Contracting Parties concerned if there is more than one:

- a. the Commission;
 - b. a High Contracting Party whose national is alleged to be a victim;
 - c. a High Contracting Party which referred the case to the Commission;
 - d. a High Contracting Party against which the complaint has been lodged;
 - e. the person, non-governmental organisation or group of individuals having lodged the complaint with the Commission.
2. If a case is referred to the Court only in accordance with paragraph 1.e, it shall first be submitted to a panel composed of three members of the Court. There shall sit as an ex-officio member of the panel the judge elected in respect of the High Contracting Party against which the complaint has been lodged, or, if there

is none, a person of its choice who shall sit in the capacity of judge. If the complaint has been lodged against more than one High Contracting Party, the size of the panel shall be increased accordingly.

If the case does not raise a serious question affecting the interpretation or application of the Convention and does not for any other reason warrant consideration by the Court, the panel may, by a unanimous vote, decide that it shall not be considered by the Court. In that event, the Committee of Ministers shall decide, in accordance with the provisions of Article 32, whether there has been a violation of the Convention."

Article 6

1. This Protocol shall be open for signature by member States of the Council of Europe signatories to the Convention, which may express their consent to be bound by:
 - a. signature without reservation as to ratification, acceptance or approval; or
 - b. signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval.
2. The instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

Article 7

1. This Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date on which ten member States of the Council of Europe have expressed their consent to be bound by the Protocol in accordance with the provisions of Article 6.
2. In respect of any member State which subsequently expresses its consent to be bound by it, the Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date of signature or of the deposit of the instrument of ratification, acceptance or approval.

Article 8

The Secretary General of the Council of Europe shall notify all the member States of the Council of Europe of:

- a. any signature;
- b. the deposit of any instrument of ratification, acceptance or approval;
- c. any date of entry into force of this Protocol in accordance with Article 7;
- d. any other act, notification or declaration relating to this Protocol.

In witness whereof the undersigned, being duly authorised thereto, have signed this Protocol.

Done at Rome, this 6th day of November 1990, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe.

PROTOCOL NO. 10

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

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

Considering that it is advisable to amend Article 32 of the Convention with a view to the reduction of the two-thirds majority provided therein,

Have agreed as follows:

Article 1

The words "of two-thirds" shall be deleted from paragraph 1 of Article 32 of the Convention.

Article 2

1. This Protocol shall be open for signature by member States of the Council of Europe signatories to the Convention, which may express their consent to be bound by:
 - a. signature without reservation as to ratification, acceptance or approval; or
 - b. signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval.
2. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

Article 3

This Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date on which all Parties to the Convention have expressed their consent to be bound by the Protocol in accordance with the provisions of Article 2.

Article 4

The Secretary General of the Council of Europe shall notify the member States of the Council of:

- a. any signature;
- b. the deposit of any instrument of ratification, acceptance or approval;
- c. the date of entry into force of this Protocol in accordance with Article 3;
- d. any other act, notification or communication relating to this Protocol.

In witness whereof the undersigned, being duly authorised thereto, have signed this Protocol.

Done at Strasbourg, this 25th day of March 1992, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe.

PROTOCOL NO. 11

TO THE CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, RESTRUCTURING THE CONTROL MACHINERY ESTABLISHED THEREBY

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

Considering the urgent need to restructure the control machinery established by the Convention in order to maintain and improve the efficiency of its protection of human rights and fundamental freedoms, mainly in view of the increase in the number of applications and the growing membership of the Council of Europe;

Considering that it is therefore desirable to amend certain provisions of the Convention with a view, in particular, to replacing the existing European Commission and Court of Human Rights with a new permanent Court;

Having regard to Resolution No. 1 adopted at the European Ministerial Conference on Human Rights held in Vienna on 19 and 20 March 1985;

Having regard to Recommendation 1194 (1992), adopted by the Parliamentary Assembly of the Council of Europe on 6 October 1992;

Having regard to the decision taken on reform of the Convention control machinery by the Heads of State and Government of the Council of Europe member States in the Vienna Declaration on 9 October 1993,

Have agreed as follows:

Article

The existing text of Sections II to IV of the Convention (Articles 19 do 56) and Protocol No. 2 conferring upon the European Court of Human Rights competence to give advisory opinions shall be replaced by the following Section II of the Convention (Articles 19 do 51):

"SECTION II

EUROPEAN COURT OF HUMAN RIGHTS

Article 19

Establishment of the Court

To ensure the observance of the engagements undertaken by the High Contracting Parties in the Convention and the protocols thereto, there shall be set up a European Court of Human Rights, hereinafter referred to as »the Court«. It shall function on a permanent basis..

Article 20

Number of judges

The Court shall consist of a number of judges equal to that of the High Contracting Parties.

Article 21

Criteria for office

1. The judges shall be of high moral character and must either possess the qualifications required for appointment to high judicial office or be jurisconsults of recognised competence.
2. The judges shall sit on the Court in their individual capacity.
3. During their term of office the judges shall not engage in any activity which is incompatible with their independence, impartiality or with the demands of a full-time office; all questions arising from the application of this paragraph shall be decided by the Court.

Article 22

Election of judges

1. The judges shall be elected by the Parliamentary Assembly with respect to each High Contracting Party by a majority of votes cast from a list of three candidates nominated by the High Contracting Party.
2. The same procedure shall be followed to complete the Court in the event of the accession of new High Contracting Parties and in filling casual vacancies.

Article 23

Terms of office

1. The judges shall be elected for a period of six years. They may be re-elected. However, the terms of office of one-half of the judges elected at the first election shall expire at the end of three years.
2. The judges whose terms of office are to expire at the end of the initial period of three years shall be chosen by lot by the Secretary General of the Council of Europe immediately after their election.
3. In order to ensure that, as far as possible, the terms of office of one-half of the judges are renewed every three years, the Parliamentary Assembly may decide, before proceeding to any subsequent election, that the term or terms of office of one or more judges to be elected shall be for a period other than six years but not more than nine and not less than three years.
4. In cases where more than one term of office is involved and where the Parliamentary Assembly applies the preceding paragraph, the allocation of the terms of office shall be effected by a drawing of lots by the Secretary General of the Council of Europe immediately after the election.
5. A judge elected to replace a judge whose term of office has not expired shall hold office for the remainder of his predecessor's term.
6. The terms of office of judges shall expire when they reach the age of 70.
7. The judges shall hold office until replaced. They shall, however, continue to deal with such cases as they

already have under consideration.

Article 24

Dismissal

No judge may be dismissed from his office unless the other judges decide by a majority of two-thirds that he has ceased to fulfil the required conditions.

Article 25

Registry and legal secretaries

The Court shall have a registry, the functions and organisation of which shall be laid down in the rules of the Court. The Court shall be assisted by legal secretaries.

Article 26

Plenary Court

The plenary Court shall

- a. elect its President and one or two Vice-Presidents for a period of three years; they may be re-elected;
- b. set up Chambers, constituted for a fixed period of time;
- c. elect the Presidents of the Chambers of the Court; they may be re-elected;
- d. adopt the rules of the Court; and
- e. elect the Registrar and one or more Deputy Registrars.

Article 27

Committees, Chambers and Grand Chamber

1. To consider cases brought before it, the Court shall sit in committees of three judges, in Chambers of seven judges and in a Grand Chamber of seventeen judges. The Court's Chambers shall set up committees for a fixed period of time.
2. There shall sit as an ex officio member of the Chamber and the Grand Chamber the judge elected in respect of the State Party concerned or, if there is none or if he is unable to sit, a person of its choice who shall sit in the capacity of judge.
3. The Grand Chamber shall also include the President of the Court, the Vice-Presidents, the Presidents of the Chambers and other judges chosen in accordance with the rules of the Court. When a case is referred to the Grand Chamber under Article 43, no judge from the Chamber which rendered the judgment shall sit in the Grand Chamber, with the exception of the President of the Chamber and the judge who sat in respect of the State Party concerned.

Article 28

Declarations of inadmissibility by committees

A committee may, by a unanimous vote, declare inadmissible or strike out of its list of cases an individual application submitted under Article 34 where such a decision can be taken without further examination. The decision shall be final.

Article 29

Decisions by Chambers on admissibility and merits

1. If no decision is taken under Article 28, a Chamber shall decide on the admissibility and merits of individual applications submitted under Article 34.
2. A Chamber shall decide on the admissibility and merits of inter-State applications submitted under Article 33.
3. The decision on admissibility, shall be taken separately unless the Court, in exceptional cases, decides otherwise.

Article Relinquishment of jurisdiction to the Grand Chamber

Where a case pending before a Chamber raises a serious question affecting the interpretation of the Convention or the protocols thereto or where the resolution of a question before it might have a result inconsistent with a judgment previously delivered by the Court, the Chamber may, at any time before it has rendered its judgment, relinquish jurisdiction in favour of the Grand Chamber, unless one of the parties to the case objects.

Article

Powers of the Grand Chamber

The Grand Chamber shall

- a. determine applications submitted either under Article 33 or Article 34 when a Chamber has relinquished jurisdiction under Article 30 or when the case has been referred to it under Article 43; and
- b. consider requests for advisory opinions submitted under Article 47.

Article 32

Jurisdiction of the Court

1. The jurisdiction of the Court shall extend to all matters concerning the interpretation and application of the Convention and the protocols thereto which are referred to it as provided in Articles 33, 34 and 47.
2. In the event of dispute as to whether the Court has jurisdiction, the Court shall decide.

Article 33

Inter-State cases

Any High Contracting Party may refer to the Court any alleged breach of the provisions of the Convention and the protocols thereto by another High Contracting Party.

Article 34

Individual applications

The Court may receive applications from any person, non-governmental organisation or group of individuals claiming to be the victim of a violation by one of the High Contracting Parties of the rights set forth in the Convention or the protocols thereto. The High Contracting Parties undertake not to hinder in any way the effective exercise of this right.

Article 35

Admissibility criteria

1. The Court may only deal with the matter after all domestic remedies have been exhausted, according to the generally recognised rules of international law, and within a period of six months from the date on which the final decision was taken.
2. The Court shall not deal with any individual application submitted under Article 34 that
 - a. is anonymous; or
 - b. is substantially the same as a matter that has already been examined by the Court or has already been submitted to another procedure of international investigation or settlement and contains no relevant new information.
3. The Court shall declare inadmissible any individual application submitted under Article 34 which it considers incompatible with the provisions of the Convention or the protocols thereto, manifestly ill-founded, or an abuse of the right of application.
4. The Court shall reject any application which it considers inadmissible under this Article. It may do so at any stage of the proceedings.

Article 36

Third-party intervention

1. In all cases before a Chamber or the Grand Chamber, a High Contracting Party one of whose nationals is an applicant shall have the right to submit written comments and to take part in hearings.
2. The President of the Court may, in the interest of the proper administration of justice, invite any High Contracting Party which is not a party to the proceedings or any person concerned who is not the applicant to submit written comments or take part in hearings.

Article 37

Striking out applications

1. The Court may at any stage of the proceedings decide to strike an application out of its list of cases where the circumstances lead to the conclusion that
 - a. the applicant does not intend to pursue his application; or
 - b. the matter has been resolved; or
 - c. for any other reason established by the Court, it is no longer justified to continue the examination of the application.

However, the Court shall continue the examination of the application if respect for human rights as defined in the Convention and the protocols thereto so requires.

2. The Court may decide to restore an application to its list of cases if it considers that the circumstances justify such a course.

Article 38

Examination of the case and friendly settlement proceedings

1. If the Court declares the application admissible, it shall
 - a. pursue the examination of the case, together with the representatives of the parties, and if need be, undertake an investigation, for the effective conduct of which the States concerned shall furnish all necessary facilities;
 - b. place itself at the disposal of the parties concerned with a view to securing a friendly settlement of the matter on the basis of respect for human rights as defined in the Convention and the protocols thereto.
2. Proceedings conducted under paragraph 1.b shall be confidential.

Article 39

Finding of a friendly settlement

If a friendly settlement is effected, the Court shall strike the case out of its list by means of a decision which shall be confined to a brief statement of the facts and of the solution reached.

Article 40

Public hearings and access to documents

1. Hearings shall be public unless the Court in exceptional circumstances decides otherwise.
2. Documents deposited with the Registrar shall be accessible to the public unless the President of the Court decides otherwise.

Article 41

Just satisfaction

If the Court finds that there has been a violation of the Convention or the protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party.

Article 42

Judgments of Chambers

Judgments of Chambers shall become final in accordance with the provisions of Article 44. paragraph 2.

Article 43

Referral to the Grand Chamber

1. Within a period of three months from the date of the judgment of the Chamber, any party to the case may, in exceptional cases, request that the case be referred to the Grand Chamber.
2. A panel of five judges of the Grand Chamber shall accept the request if the case raises a serious question affecting the interpretation or application of the Convention or the protocols thereto, or a serious issue of general importance.
3. If the panel accepts the request, the Grand Chamber shall decide the case by means of a judgment.

Article 44

Final judgments

1. The judgment of the Grand Chamber shall be final.
2. The judgment of a Chamber shall become final
 - a. when the parties declare that they will not request that the case be referred to the Grand Chamber; or
 - b. three months after the date of the judgment, if reference of the case to the Grand Chamber has not been requested; or
 - c. when the panel of the Grand Chamber rejects the request to refer under Article 43.
3. The final judgment shall be published.

Article 45 Reasons for judgments and decisions

1. Reasons shall be given for judgments as well as for decisions declaring applications admissible or inadmissible.
2. If a judgment does not represent, in whole or in part, the unanimous opinion of the judges, any judge shall be entitled to deliver a separate opinion.

Article 46

Binding force and execution of judgments

1. The High Contracting Parties undertake to abide by the final judgment of the Court in any case to which they are parties.
2. The final judgment of the Court shall be transmitted to the Committee of Ministers, which shall supervise its execution.

Article 47

Advisory opinions

1. The Court may, at the request of the Committee of Ministers, give advisory opinions on legal questions concerning the interpretation of the Convention and the protocols thereto.
2. Such opinions shall not deal with any question relating to the content or scope of the rights or freedoms defined in Section I of the Convention and the protocols thereto, or with any other question which the Court or the Committee of Ministers might have to consider in consequence of any such proceedings as could be instituted in accordance with the Convention.
3. Decisions of the Committee of Ministers to request an advisory opinion of the Court shall require a majority vote of the representatives entitled to sit on the Committee.

Article 48

Advisory jurisdiction of the Court

The Court shall decide whether a request for an advisory opinion submitted by the Committee of Ministers is within its competence as defined in Article 47.

Article 49

Reasons for advisory opinions

1. Reasons shall be given for advisory opinions of the Court.
2. If the advisory opinion does not represent, in whole or in part, the unanimous opinion of the judges, any judge shall be entitled to deliver a separate opinion.
3. Advisory opinions of the Court shall be communicated to the Committee of Ministers.

Article 50

Expenditure on the Court

The expenditure on the Court shall be borne by the Council of Europe.

Article 51

Privileges and immunities of judges

The judges shall be entitled, during the exercise of their functions, to the privileges and immunities provided for in Article 40 of the Statute of the Council of Europe and in the agreements made thereunder."

Article 2

1. Section V of the Convention shall become Section III of the Convention; Article 7 of the Convention shall become Article 52 of the Convention; Articles 58 and 59 of the Convention shall be deleted, and Articles 60 to 66 of the Convention shall become Articles 53 to 59 of the Convention respectively.

2. Section I of the Convention shall be entitled "RIGHTS AND FREEDOMS" and new Section III of the Convention shall be entitled "MISCELLANEOUS PROVISIONS". Articles 1 to 18 and new Articles 52 to 59 of the Convention shall be provided with headings, as listed in the appendix to this Protocol.

3. In new Article 56, in paragraph 1, the words ", subject to paragraph 4 of this Article," shall be inserted after the word "shall"; in paragraph 4, the words "Commission to receive petitions" and "in accordance with Article 25 of the present Convention" shall be replaced by the words "Court to receive applications" and "as provided in Article 34 of the Convention" respectively. In new Article 58, paragraph 4, the words "Article 63" shall be replaced by the words "Article 56".

4. The Protocol to the Convention shall be amended as follows:

a. the Articles shall be provided with the headings listed in the appendix to the present Protocol; and

b. in Article 4, last sentence, the words "of Article 63" shall be replaced by the words "of Article 56".

5. Protocol No. 4 shall be amended as follows:

a. the Articles shall be provided with the headings listed in the appendix to the present Protocol;

b. in Article 5, paragraph 3, the words "of Article 63" shall be replaced by the words "of Article 56"; a new paragraph 5 shall be added, which shall read:

"Any State which has made a declaration in accordance with paragraph 1 or 2 of this Article may at any time thereafter declare on behalf of one or more of the territories to which the declaration relates that it

accepts the competence of the Court to receive applications from individuals, non-governmental organisations or groups of individuals as provided in Article 34 of the Convention in respect of all or any of Articles 1 to 4 of this Protocol."; and

c. paragraph 2 of Article 6 shall be deleted.

6. Protocol No. 6 shall be amended as follows:

a. the Articles shall be provided with the headings listed in the appendix to the present Protocol; and

b. in Article 4 the words "under Article 64" shall be replaced by the words "under Article 57".

7. Protocol No. 7 shall be amended as follows:

a. the Articles shall be provided with the headings listed in the appendix to the present Protocol;

b. in Article 6, paragraph 4, the words "of Article 63" shall be replaced by the words "of Article 56"; a new paragraph 6 shall be added, which shall read:

"Any State which has made a declaration in accordance with paragraph 1 or 2 of this Article may at any time thereafter declare on behalf of one or more of the territories to which the declaration relates that it accepts the competence of the Court to receive applications from individuals, non-governmental organisations or- groups of individuals as provided in Article 34 Of the Convention in respect of Articles 1 to 5 of this Protocol."; and

c. paragraph 2 of Article 7 shall be deleted.

8. Protocol No. 9 shall be repealed.

Article 3

1. This Protocol shall be open for signature by member States of the Council of Europe signatories to the Convention, which may express their consent to be bound by

a. signature without reservation as to ratification, acceptance or approval; or

b. signature subject of ratification, acceptance or approval, followed by ratification, acceptance or approval.

2. The instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

Article 4

This Protocol shall enter into force on the first day of the month following the expiration of a period of one year after the date on which all Parties to the Convention have expressed their consent to be bound by the Protocol in accordance with the provisions of Article 3. The election of new judges may take place, and any further necessary steps may be taken to establish the new Court, in accordance with the provisions of this Protocol from the date on which all Parties to the Convention have expressed their consent to be bound by the Protocol.

Article 5

1. Without prejudice to the provisions in paragraphs 3 and 4 below, the terms of office of the judges, members of the Commission, Registrar and Deputy Registrar shall expire at the date of entry into force of this Protocol.

2. Applications pending before the Commission which have not been declared admissible at the date of the entry into force of this Protocol shall be examined by the Court in accordance with the provisions of this Protocol.

3. Applications which have been declared admissible at the date of entry into force of this Protocol shall continue to be dealt with by members of the Commission within a period of one year thereafter. Any applications the examination of which has not been completed within the aforesaid period shall be transmitted to the Court which shall examine them as admissible cases in accordance with the provisions of this Protocol.

4. With respect to applications in which the Commission, after the entry into force of this Protocol, has adopted a report in accordance with former Article 31 of the Convention, the report shall be transmitted to the parties, who shall not be at liberty to publish it. In accordance with the provisions applicable prior to the entry into force of this Protocol, a case may be referred to the Court. The panel of the Grand Chamber shall determine whether one of the Chambers or the Grand

Chamber shall decide the case. If the case is decided by a Chamber, the decision of the Chamber shall be final. Cases not referred to the Court shall be dealt with by the Committee of Ministers acting in accordance with the provisions of former Article 32 of the Convention.

5. Cases pending before the Court which have not been decided at the date of entry into force of this Protocol shall be transmitted to the Grand Chamber of the Court, which shall examine them in accordance with the provisions of this Protocol.
6. Cases pending before the Committee of Ministers which have not been decided under former Article 32 of the Convention at the date of entry into force of this Protocol shall be completed by the Committee of Ministers acting in accordance with that Article.

Article 6

Where a High Contracting Party had made a declaration recognising the competence of the Commission or the jurisdiction of the Court under former Article 25 or 46 of the Convention with respect to matters arising after or based on facts occurring subsequent to any such declaration, this limitation shall remain valid for the jurisdiction, of the Court under this Protocol.

Article 7

The Secretary General of the Council of Europe shall notify the member States of the Council of

- a. any signature;
- b. the deposit of any instrument of ratification, acceptance or approval;
- c. the date of entry into force of this Protocol or of any of its provisions in accordance with Article 4 and
- d. any other act, notification or communication relating to this Protocol.

In witness whereof the undersigned, being duly authorised thereto, have signed this Protocol.

Done at Strasbourg, this 11th day of May 1994, in English and French, both texts being equally authentic, in a single copy which, shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe.

APPENDIX

HEADINGS OF ARTICLES TO BE INSERTED INTO THE TEXT OF THE CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS AND ITS PROTOCOLS

Article 1 – Obligation to respect human rights

Article 2 – Right to life

Article 3 – Prohibition of torture

Article 4 – Prohibition of slavery and forced labour

Article 5 – Right to liberty and security

Article 6 – Right to a fair trial

Article 7 – No punishment without law

Article 8 – Right to respect for private and family life

Article 9 – Freedom of thought, conscience and religion

Article 10 – Freedom of expression

Article 11 – Freedom of assembly and association

Article 12 – Right to marry

Article 13 – Right to an effective remedy

Article 14 – Prohibition of discrimination

Article 15 – Derogation in time of emergency

Article 16 – Restrictions on political activity of aliens

Article 17 – Prohibition of abuse of rights

Article 18 – Limitation on use of restrictions on rights

Article 52 – Enquiries by the Secretary General

Article 53 – Safeguard, of existing human rights

Article 54 – Powers of the Committee of Ministers

Article 55 – Exclusion of other means of dispute settlement

Article 56 – Territorial application

Article 57 – Reservations

Article 58 – Denunciation

Article 59 – Signature and ratification

Protocol

Article 1 – Protection of property

Article 2 – Right to education

Article 3 – Right to free elections

Article 4 – Territorial application

Article 5 – Relationship to the Convention

Article 6 – Signature and ratification

Protocol No. 4

Article 1 – Prohibition of imprisonment for debt

Article 2 – Freedom of movement

Article 3 – Prohibition of expulsion of nationals

Article 4 – Prohibition of collective expulsion of aliens

Article 5 – Territorial application

Article 6 – Relationship to the Convention

Article 7 – Signature and ratification

Protocol No. 6

Article 1 – Abolition of the death penalty

Article 2 – Death penalty in time of war

Article 3 – Prohibition of derogations

Article 4 – Prohibition of reservations

Article 5 – Territorial application

Article 6 – Relationship to the Convention

Article 7 – Signature and ratification

Article 8 – Entry into force

Article 9 – Depositary function

Protocol No. 7

Article 1 – Procedural safeguards relating to expulsion of aliens

Article 2 – Right of appeal in criminal matters

Article 3 – Compensation for wrongful conviction

Article 4 – Right not to be tried or punished twice

Article 5 – Equality between spouses

Article 6 – Territorial application

Article 7 – Relationship to the Convention

Article 8 – Signature and ratification

Article 9 – Entry into force

Article 10 – Depositary functions

KONVENCIJA

O VARSTVU ČLOVEKOVIH PRAVIC IN TEMELJNIH SVOBOŠČIN, SPREMENJENA S PROTOKOLI ŠT. 3, 5 IN 8 TER DOPOLNJENA S PROTOKOLOM ŠT. 2

Vlade podpisnice te Konvencije, članice Sveta Evrope, so se,

- upoštevajoč Splošno deklaracijo o človekovih pravicah, ki jo je razglasila Generalna skupščina Združenih narodov dne 10. decembra 1948,
- upoštevajoč, da si ta deklaracija prizadeva zagotoviti splošno in učinkovito priznavanje in spoštovanje v njej razglašeni pravic,
- upoštevajoč, da je cilj Sveta Evrope doseči večjo enotnost med njegovimi članicami in da je eden izmed načinov za zagotavljanje tega cilja varstvo in nadaljnji razvoj človekovih pravic in temeljnih svoboščin,
- ponovno potrjujoč svojo globoko vero v temeljne svoboščine, na katerih temeljita pravičnost in mir v svetu in ki jih je mogoče najbolje zavarovati na eni strani z dejansko politično demokracijo in na drugi strani s skupnim razumevanjem in spoštovanjem človekovih pravic, od katerih so te svoboščine odvisne,
- odločene, da kot vlade evropskih držav, ki jih navdihuje ista miselnost in ki imajo skupno dediščino idealov in političnega izročila o spoštovanju svobode in pravne države, store prve korake k skupnemu uveljavljanju nekaterih pravic, ki so določene v Splošni deklaraciji,

dogovorile o naslednjem:

1. člen

Visoke pogodbene stranke priznavajo vsakomur, ki sodi v njihovo pristojnost, pravice in svoboščine, ki so opredeljene v prvem delu te Konvencije.

I. DEL

2. člen

- 1) Pravica vsakogar do življenja je zavarovana z zakonom. Nikomur ne sme biti življenje namerno odvzeto, razen ob izvršitvi sodbe, s katero je sodišče koga spoznalo za krivega za kaznivo dejanje, za katero je z zakonom predpisana smrtna kazen.
- 2) Kot kršitev tega člena se ne šteje odvzem življenja, če je posledica uporabe nujno potrebne sile:
 - a) pri obrambi katerekoli osebe pred nezakonitim nasiljem,
 - b) pri zakonitem odvzemu prostosti ali pri preprečitvi bega osebi, ki ji je zakonito odvzeta prostost,
 - c) pri zakonitem dejanju, ki ima nameri zadušiti upor ali vstajo.

3. člen

Nikogar se ne sme mučiti ali nečloveško in ponižujoče z njim ravnati ali ga kaznovati.

4. člen

- 1) Nikogar se ne sme držati v suženjstvu ali v podložnosti.
- 2) Od nikogar se ne sme zahtevati, naj opravlja prisilno ali obvezno delo.

3) Pojem prisilno ali obvezno delo v zvezi s tem členom ne vključuje:

- a) dela, ki se zahteva pri rednem prestajanju zapora v skladu z določbami 5. člena te Konvencije ali med pogojnim odpustom s prestajanja zaporne kazni,
- b) katerekoli službe vojaške narave, službe, ki jo zahtevajo namesto obveznega služenja vojske v državah, v katerih je ugovor vesti dopusten,
- c) službe, ki je komu dodeljena ob nevarnosti ali ob nesreči, ko je ogroženo življenje ljudi ali blaginja skupnosti,
- d) del ali služb, ki so sestavni del običajnih državljanskih dolžnosti.

5. člen

1) Vsakdo ima pravico do prostosti in osebne varnosti. Nikomur se ne sme odvzeti prostost, razen v naslednjih primerih in v skladu s postopkom, ki je predpisan z zakonom:

- a) zakonit zapor, odrejen s sodbo pristojnega sodišča,
- b) zakonit odvzem prostosti osebi, ki se ne pokori zakoniti odločbi sodišča, ali zato, da bi zagotovili izpolnitev kakšne z zakonom naložene obveznosti,
- c) zakonit odvzem prostosti, ki je potreben zato, da bi osebo privedli pred pristojno sodno oblast ob utemeljenem sumu, da je storila kaznivo dejanje, ali kadar je to utemeljeno nujno zato, da bi preprečili storitev kaznivega dejanja ali beg po storjenem kaznivem dejanju,
- d) pridržanje mladoletnika na podlagi zakonite odločbe zaradi vzgojnega nadzorstva ali zakonit odvzem prostosti mladoletniku zato, da bi ga privedli pred pristojno oblast,
- e) zakonito pridržanje oseb, da bi preprečili širjenje nalezljivih bolezni, ali duševno bolnih oseb, alkoholikov, narkomanov in potepuhov,
- f) zakonit odvzem prostosti osebi z namenom, da bi ji preprečili nedovoljen vstop v državo, ali pripor osebe, proti kateri teče postopek za izgon ali za izročitev.

2) Ob odvzemu prostosti je treba vsakogar takoj poučiti v jeziku, ki ga razume, o vzrokih za odvzem prostosti in česa ga dolžijo.

3) Vsakogar, ki mu je bila odvzeta prostost v skladu z določbami tč. c 1. odstavek tega člena, je treba takoj privedi pred sodnika ali drugo uradno osebo, ki na podlagi zakona izvršuje sodno oblast; vsakdo ima pravico, da mu sodijo v razumnem roku ali ga izpustijo. Izpustitev na prostost je lahko pogojena z jamstvi, da bo prišel na sojenje.

4) Vsakdo, ki mu je bila odvzeta prostost, ima pravico začeti postopek, v katerem bo sodišče hitro odločilo o zakonitosti odvzema prostosti in odredilo njegovo izpustitev, če je bil odvzem prostosti nezakonit.

5) Kdor je bil žrtev odvzema prostosti v nasprotju z določili tega člena, ima iztožljivo pravico do odškodnine.

6. člen

1) Vsakdo ima pravico, da o njegovih civilnih pravicah in obveznostih ali o kakršnihkoli kazenskih obtožbah zoper njega pravično in javno ter v razumnem roku-odloča neodvisno in nepristransko z zakonom ustanovljeno sodišče. Sodba mora biti izrečena javno, toda

tisk in javnost sta lahko izločena s sojenja deloma ali v celoti v interesu morale, javnega reda ali državne varnosti, če to v demokratični družbi zahtevajo koristi mladoletnikov ali varovanje zasebnega življenja strank, pa tudi tedaj, kadar bi po mnenju sodišča zaradi posebnih okoliščin javnost sojenja škodovala interesom pravičnosti.

- 2) Kdor je obdolžen kaznivega dejanja, velja za nedolžnega, dokler ni v skladu z zakonom dokazana njegova krivda.
- 3) Kdor je obdolžen kaznivega dejanja, ima naslednje minimalne pravice:
 - a) da ga takoj in natančno seznanijo v jeziku, ki ga razume, z bistvom in vzroki obtožbe, ki ga bremeni;
 - b) da ima primeren čas in možnosti za pripravo svoje obrambe;
 - c) da se brani sam ali z zagovornikom po lastni izbiri ali če nima dovolj sredstev za plačilo zagovornika, da ga dobi brezplačno, če to zahtevajo interesi pravičnosti;
 - d) da zaslišuje oziroma zahteva zaslišanje obremenilnih prič in da doseže navzočnost in zaslišanje razbremenilnih prič ob enakih pogojih, kot veljajo za obremenilne priče;
 - e) da ima brezplačno pomoč tolmača, če ne razume ali ne govori jezika, ki se uporablja pred sodiščem.

7. člen

- 1) Nihče ne sme biti obsojen za katerokoli dejanje, izvršeno s storitvijo ali opustitvijo, ki ni bilo določeno kot kaznivo dejanje po domačem ali po mednarodnem pravu v času, ko je bilo storjeno. Prav tako se ne sme izreči strožja kazen od tiste, ki jo je bilo mogoče izreči v času, ko je bilo kaznivo dejanje storjeno.
- 2) Ta člen ni ovira za sojenje in kaznovanje oseb za kako storitev ali opustitev, ki je bila v času, ko je bila storjena, kazniva po splošnih pravnih načelih, ki jih priznavajo civilizirani narodi.

8. člen

- 1) Vsakdo ima pravico do spoštovanja svojega zasebnega in družinskega življenja, svojega doma in dopisovanja.
- 2) Javna oblast se ne sme vmešavati v izvrševanje te pravice, razen če je to določeno z zakonom in nujno v demokratični družbi zaradi državne varnosti, javne varnosti ali ekonomske blaginje države, zato da se prepreči nered ali zločin, da se zavaruje zdravje ali morala ali da se zavarujejo pravice in svoboščine drugih ljudi.

9. člen

- 1) Vsakdo ima pravico do svobode misli, vesti in veroizpovedi. Ta pravica vključuje svobodo spremembe vere ali prepričanja ter svobodo, da človek bodisi sam ali skupaj z drugimi ter zasebno ali javno izraža svojo vero ali prepričanje v bogoslužju, pouku, praksi in verskih obredih.
- 2) Svoboda izpovedovanja vere ali prepričanja se sme omejiti samo v primerih, ki jih določa zakon, in če je to nujno v demokratični družbi zaradi javne varnosti, za zaščito javnega reda, zdravja ali morale ali zaradi varstva pravic in svoboščin drugih ljudi.

10. člen

- 1) Vsakdo ima pravico do svobodnega izražanja. Ta pravica obsega svobodo mišljenja ter sprejemanja in sporočanja obvestil in idej brez vmešavanja javne oblasti in ne glede na meje. Ta člen ne preprečuje državam, da zahtevajo dovoljenje za delo radijskih, televizijskih in kinematografskih podjetij.
- 2) Izvrševanje teh svoboščin vključuje tudi dolžnosti in odgovornosti in je zato lahko podvrženo obličnostnim pogojem, omejitvam ali kaznim, ki jih določa zakon in ki so nujne v demokratični družbi zaradi varnosti države, njene ozemeljske celovitosti, zaradi javne varnosti, preprečevanja neredov ali zločinov, za zavarovanje zdravja ali morale, za zavarovanje ugleda ali pravic drugih ljudi, za preprečitev razkritja zaupnih informacij ali za varovanje avtoritete in nepristranskosti sodstva.

11. člen

- 1) Vsakdo ima pravico, da mirno zboruje in se svobodno združuje, vključno s pravico, da ustanavlja sindikate in se jim pridruži, da bi zavaroval svoje interese.
- 2) Izvrševanje teh pravic je mogoče omejiti samo z zakonom, če je to nujno v demokratični družbi zaradi državne ali javne varnosti, za preprečitev neredov ali zločinov, za zaščito zdravja ali morale ali za zavarovanje pravic in svoboščin drugih ljudi. Ta člen ne preprečuje, da bi pripadnikom oboroženih sil, policije ali državne uprave z zakonom omejili izvrševanje teh pravic.

12. člen

Moški in ženske, zreli za zakon, imajo pravico skleniti zakonsko zvezo in ustanoviti družino v skladu z domačimi zakoni, ki urejajo uveljavljanje te pravice.

13. člen

Vsakdo, čigar pravice in svoboščine, zajamčene s to Konvencijo, so kršene, ima pravico do učinkovitih pravnih sredstev pred domačimi oblastmi, in to tudi če je kršitev storila uradna oseba pri opravljanju uradne dolžnosti.

14. člen

Uživanje pravic in svoboščin, določenih s to Konvencijo, je zagotovljeno vsem ljudem brez razlikovanja glede na spol, raso, barvo kože, jezik, vero, politično ali drugo prepričanje, narodnostni ali socialni izvor, pripadnost narodni manjšini, lastnino, rojstvo ali kakšne druge okoliščine.

15. člen

- 1) Med vojno ali ob kaki drugi splošni nevarnosti, ki ogroža življenje naroda, sme vsaka visoka pogodbenca stranka sprejeti ukrepe, s katerimi razveljavi svoje obveznosti iz te Konvencije v strogo omejenem obsegu, ki ga terjajo kritične razmere, ob pogoju, da ti ukrepi niso v nasprotju z njenimi drugimi obveznostmi po mednarodnem pravu.
- 2) Na podlagi te določbe ni mogoče razveljaviti 2. člena, razen v primerih smrti, ki so posledica zakonitih vojnih dejanj, kakor tudi ne 3. in 4. (1. odstavek) ter 7. člena.

- 3) Vsaka visoka pogodbeni stranka, ki uporabi pravico do razveljavitve, mora generalnega sekretarja Sveta Evrope celovito seznaniti z ukrepi, ki jih je sprejela, in z razlogi zanje. Obvestiti mora generalnega sekretarja Sveta Evrope tudi o tem, kdaj so ti ukrepi prenehali veljati in od kdaj veljajo zopet v celoti določbe te Konvencije.

16. člen

Nobene določbe iz 10., 11. in 14. člena ni mogoče šteti za določbo, ki bi preprečevala visokim pogodbenim strankam, da določajo omejitve za politično delovanje tujcev.

17. člen

Nobene določbe v tej Konvenciji ni mogoče razlagati tako, kot da vsebuje za katerokoli državo, skupino ali posameznika pravico do kakršnekoli dejavnosti ali dejanja, ki je usmerjeno h kršenju katerihkoli pravic ali svoboščin, ki so tu določene, ali k njihovem omejevanju v večjem obsegu, kot je določeno v tej Konvenciji.

18. člen

Omejitev pravic in svoboščin, ki jih ta Konvencija dopušča, ni mogoče uporabiti za namene, ki bi bili drugačni od predpisanih.

II. DEL

19. člen

Za zagotovitev spoštovanja obveznosti, ki so jih sprejele visoke pogodbene stranke s to Konvencijo, se ustanovi:

- a) Evropska komisija za človekove pravice, v nadaljevanju imenovana Komisija,
- b) Evropsko sodišče za človekove pravice, v nadaljevanju imenovano Sodišče.

III. DEL

20. člen

- 1) Komisijo sestavlja toliko članov, kolikor je visokih pogodbenih strank. Niti dva člana ne smeta biti državljana iste države.
- 2) Komisija dela na plenarnem zasedanju. Vendar pa lahko ustanovi senate, ki jih sestavlja najmanj sedem članov. Senati lahko obravnavajo pritožbe, predložene v skladu s 25. členom te Konvencije, če se lahko obravnavajo na podlagi že sprejete jurisprudence ali pa ne vsebujejo težavnih problemov, ki bi vplivali na razlago ali uporabo Konvencije. V tem okviru in upoštevajoč določila 5. odstavka tega Člena izvršujejo senati vsa pooblastila, ki jih je Komisiji podelila ta Konvencija.

Član Komisije, ki je izvoljen kot predstavnik visoke pogodbene stranke, proti kateri je vložena pritožba, ima pravico sodelovati v senatu, ki mu je pritožba dodeljena.

- 3) Komisija lahko ustanovi odbore, ki jih sestavljajo najmanj trije člani, s pooblastilom, da ob soglasju vseh članov razglasijo pritožbo, predloženo v skladu s 25. členom, za

nesprejemljivo ali pa jo izbrišejo s seznama zadev, če se tak sklep lahko sprejme brez dodatne preiskave.

- 4) Senat ali odbor lahko kadarkoli odstopita zadevo v pristojnost plenarnemu zasedanju Komisije; ta pa lahko odredi prenos katerekoli pritožbe, ki je bila predložena senatu ali odboru, v svojo pristojnost.
- 5) Komisija lahko samo na plenarnem zasedanju opravlja naslednje pristojnosti:
 - a) obravnava pritožbe, ki so predložene na podlagi 24. člena;
 - b) predloži zadeve Sodišču na podlagi tč. a 48. člena;
 - c) določi svoj poslovnik v skladu s 36. členom.

21. člen

- 1) Člane Komisije voli Odbor ministrov z absolutno večino glasov s seznama imen, ki ga sestavi urad Posvetovalne skupščine; vsaka skupina predstavnikov visokih pogodbenih strank v Posvetovalni skupščini predlaga tri kandidate, od katerih sta najmanj dva njena državljana.
- 2) Če je to mogoče, je treba po istem postopku dopolniti Komisijo v primeru, ko postanejo druge države pozneje pogodbenice te Konvencije, ter pri zapolnitvi izpraznjenih mest.
- 3) Kandidati morajo imeti visok moralni ugled in kvalifikacije za opravljanje visokih pravosodnih funkcij ali pa morajo biti osebe, ki so priznani strokovnjaki na področjih domačega ali mednarodnega prava.

22. člen

- 1) Člani Komisije se volijo za dobo šestih let in so lahko ponovno izvoljeni. Vendar pa sedmim članom, ki so bili izvoljeni na prvih volitvah, mandat poteče po treh letih.
- 2) Člane, ki jim poteče mandat ob koncu triletno dobe, izbere z žrebom generalni sekretar Sveta Evrope takoj po opravljenih prvih volitvah.
- 3) Zato da bi kar najbolje zagotovili triletno obnavljanje polovice članov Komisije, lahko Odbor ministrov pred novimi volitvami odloči, da mandat enega ali več članov, ki naj bodo voljeni, ne traja šest let, vendar pa ne sme biti daljši od devetih in ne krajši od treh let.
- 4) V primerih, ko gre za več kot en mandat in ko Odbor ministrov uveljavi določilo prejšnjega odstavka, določi generalni sekretar razporeditev mandatov z žrebom takoj po volitvah.
- 5) Član Komisije, ki je izvoljen namesto člana, čigar mandat še ni potekel, opravlja dolžnost do konca predhodnikovega mandata.
- 6) Člani Komisije opravljajo dolžnost do zamenjave. Po zamenjavi se še naprej ukvarjajo z zadevami, ki so jim bile že dodeljene.

23. člen

Člani Komisije sodelujejo v Komisiji kot posamezniki v svojem imenu. Med opravljanjem tega mandata ne smejo sprejeti nobene dolžnosti, ki ni združljiva z njihovo neodvisnostjo in nepristranskostjo ali z drugimi zahtevami te funkcije.

24. člen

Vsaka visoka pogodbeni stranka lahko prek generalnega sekretarja Sveta Evrope obvesti Komisijo o katerikoli domnevni kršitvi določb te Konvencije, ki jo je storila druga visoka pogodbeni stranka.

25. člen

- 1) Komisija lahko sprejme v obravnavo pritožbe, ki jih na generalnega sekretarja Sveta Evrope naslovi katerikoli oseba, nevladna organizacija ali skupina posameznikov, ki zatrjujejo, da so žrtve kršitve pravic iz te Konvencije s strani katerekoli visoke pogodbene stranke, s pogojem, da visoka pogodbeni stranka, proti kateri je vložena pritožba, izjavi, da priznava pristojnost Komisije za obravnavanje takšnih pritožb. Tiste visoke pogodbene stranke, ki so dale takšno izjavo, so se s tem zavezale, da v nobenem primeru ne bodo ovirale dejanskega izvajanja te pravice.
- 2) Takšne izjave se lahko dajo za določen čas.
- 3) Izjava se deponira pri generalnem sekretarju Sveta Evrope, ki pošlje njene kopije visokim pogodbenim strankam in jih objavi.
- 4) Komisija izvaja pooblastila, ki jih ima po tem členu, samo če najmanj šest visokih pogodbenih strank da izjavo, kakršna je določena v prejšnjih odstavkih.

26. člen

Komisija sme obravnavati zadevo šele potem, ko so bila uporabljena vsa domača pravna sredstva v skladu s splošno priznanimi pravili mednarodnega prava in v šestih mesecih od dne, ko je bila sprejeta dokončna odločba.

27. člen

- 1) Komisija ne bo obravnavala nobene pritožbe, predložene na podlagi 25. člena, ki je:
 - a) anonimna ali
 - b) v bistvu ista kot zadeva, o kateri je Komisija že odločala, ali ki je že v drugem postopku mednarodne preiskave ali reševanja in če ne vsebuje nobenih novih dejstev.
- 2) Komisija šteje za nesprejemljivo vsako pritožbo, predloženo na podlagi 25. člena, za katero meni, da ni v skladu z določili te Konvencije ali, da je nedvomno neutemeljena ali pa da pomeni zlorabo pravice do pritožbe.
- 3) Komisija zavrne vsako pritožbo, za katero ugotovi, da je po 26. členu nedopustna.

28. člen

- 1) Če komisija sprejme pritožbo:
 - a) mora zaradi ugotovitve dejstev preizkusiti pritožbo v kontradiktornem postopku skupaj s predstavniki strank; če je potrebno, uvede tudi preiskavo, za katere učinkovit potek morajo prizadete države po izmenjavi mnenj s Komisijo nuditi vse potrebne olajšave,

- b) mora biti hkrati na voljo prizadetim strankam, da bi dosegle prijateljsko rešitev zadeve na podlagi spoštovanja človekovih pravic, kot so določene v tej Konvenciji.
- 2) Če Komisija doseže prijateljsko rešitev, sestavi poročilo, ki ga pošlje prizadetim državam, Odboru ministrov in generalnemu sekretarju Sveta Evrope za objavo. To poročilo se omejuje le na kratek povzetek dejstev in na opis dosežene rešitve.

29. člen

Po sprejemu pritožbe, predložene na podlagi 25. člena, jo lahko Komisija zavrne z dvotretjinsko večino svojih članov, če pri njenem obravnavanju ugotovi, da obstaja kakšen vzrok za nesprejemljivost po 27. členu.

V takem primeru obvesti stranke o svoji odločitvi.

30. člen

- 1) Komisija lahko v katerikoli fazi postopka odloči, da pritožbo izbriše s seznama zadev, če okoliščine utemeljujejo sklep:
 - a) da vlagatelj ne namerava vztrajati pri svoji pritožbi; ali
 - b) da je bila zadeva rešena; ali
 - c) da zaradi kakega drugega razloga, ki ga ugotovi Komisija, nadaljnje obravnavanje pritožbe ni več upravičeno.

Kljub temu pa Komisija nadaljuje z obravnavo pritožbe, če tako zahteva spoštovanje človekovih pravic, določenih v Konvenciji.

- 2) Če se Komisija odloči o izbrisu pritožbe s seznama zadev, potem ko jo je že sprejela, mora sestaviti poročilo, ki vsebuje navedbo dejstev, sklep o izbrisu pritožbe in razloge zanj. Sklep pošlje strankam, v informacijo pa tudi Odboru ministrov. Komisija tak sklep lahko objavi.
- 3) Komisija lahko odloči, da bo pritožbo ponovno uvrstila na seznam zadev, če okoliščine to upravičujejo.

31. člen

- 1) Če se obravnava pritožbe ne konča v skladu z 28. (drugi odstavek), 29. in 30. členom, sestavi Komisija poročilo o dejstvih in da svoje mnenje o tem, ali ta dejstva pomenijo, da je prizadeta država prekršila svoje obveznosti iz te Konvencije. V poročilu so lahko navedena tudi ločena mnenja posameznih članov Komisije o tej zadevi.
- 2) Poročilo se pošlje Odboru ministrov in prizadetim državam; ki pa ga ne smejo objaviti.
- 3) V poročilu, ki ga pošlje Odboru ministrov, lahko poda Komisija predloge, ki se ji zdijo primerni.

32. člen

- 1) Če zadeve ne predložijo Sodišču v skladu z 48. členom te Konvencije v roku treh mesecev po dostavi poročila Komisije Odboru ministrov, se mora Odbor ministrov odločiti z dvotretjinsko večino polnopravnih članov, ali je bila Konvencija kršena.
- 2) Če Odbor ministrov ugotovi, da je bila Konvencija kršena, določi rok, v katerem mora prizadeta visoka pogodbená stranka sprejeti ukrepe, ki jih zahteva odločitev Odbora ministrov.
- 3) Če prizadeta visoka pogodbená stranka ne sprejme zadovoljivih ukrepov v določenem roku, odloči Odbor ministrov z večino glasov, kot je določena v prvem odstavku tega člena, kako uveljaviti prvotno odločitev, in objavi poročilo.
- 4) Visoke pogodbene stranke se zavezujejo, da bodo štejele za obvezujočo vsako odločitev, ki jo lahko sprejme Odbor ministrov pri uporabi določb prejšnjih odstavkov.

33. člen

Komisija zaseda brez navzočnosti javnosti.

34. člen

Razen v primerih, ki so določeni v tretjem odstavku 20. in v 29. členu, sprejema Komisija svoje odločitve z večino glasov navzočih in glasujočih članov.

35. člen

Komisija se sestane, kadar to zahtevajo okoliščine. Seje sklicuje generalni sekretar Sveta Evrope.

36. člen

Komisija si sama določi svoj poslovnik.

37. člen

Za tajništvo Komisije skrbi generalni sekretar Sveta Evrope.

IV. DEL

38. člen

Evropsko sodišče za človekove pravice ima toliko sodnikov, kolikor je članic Sveta Evrope. Niti dva sodnika ne smeta biti državljana iste države.

39. člen

- 1) Člane Sodišča izvoli Posvetovalna skupščina z večino glasov z liste oseb, ki so jih imenovalé članice Sveta Evrope; vsaka članica imenuje tri kandidate, od katerih sta vsaj dva njena državljana.

- 2) Če je to mogoče, velja isti postopek tudi za dopolnitev Sodišča, če so bile sprejete nove članice v Svet Evrope, ali za zapolnitev izpraznjenih mest.
- 3) Kandidati morajo imeti visok moralni ugled in kvalifikacije za opravljanje visokih sodniških funkcij ali pa morajo biti splošno priznani pravni strokovnjaki.

40. člen

- 1) Člane Sodišča volijo za dobo devetih let. Lahko so ponovno izvoljeni, vendar štirim članom, ki so bili izvoljeni na prvih volitvah, poteče mandat po treh letih, štirim naslednjim pa po šestih letih.
- 2) Člane, ki jim poteče mandat ob koncu začetne dobe treh oziroma šestih let, izbere z žrebom generalni sekretar takoj po prvih volitvah.
- 3) Zato da bi kar najbolje zagotovili obnavljanje tretjine članov Sodišča vsaka tri leta, lahko Posvetovalna skupščina pred nadaljevanjem volitev odloči, da mandat enega ali več članov ne bo trajal devet let, vendar pa tudi ne sme biti daljši od dvanajstih let in ne krajši od šestih let.
- 4) V primerih, ko gre za več kot en mandat in Posvetovalna skupščina uporabi določbe prejšnjega odstavka, določi razporeditev mandatov z žrebom Generalni sekretar takoj po volitvah.
- 5) Član Sodišča, ki je izvoljen namesto člana, čigar mandat še ni potekel, opravlja to dolžnost do konca predhodnikovega mandata.
- 6) Člani Sodišča opravljajo svojo dolžnost do zamenjave. Po zamenjavi se še naprej ukvarjajo z zadevami, ki so jim bile že dodeljene.
- 7) Člani Sodišča sodelujejo v Sodišču kot posamezniki v svojem imenu. Med opravljanjem te funkcije ne smejo sprejeti nobene dolžnosti, ki ni združljiva z njihovo neodvisnostjo in nepristranskostjo, ali pa z drugimi zahtevami te funkcije.

41. člen

Sodišče izvoli svojega predsednika in enega ali dva podpredsednika za dobo treh let. Lahko so ponovno izvoljeni.

42. člen

Člani Sodišča dobijo za vsak dan, ko opravljajo dolžnost, nagrado, ki jo določi Odbor ministrov.

43. člen

O vsaki zadevi, ki je predložena Sodišču, odloča Senat, ki ga sestavlja devet sodnikov. Po uradni dolžnosti sodeluje član Senata, ki je državlján prizadete države-stranke, ali če takega ni, oseba po njeni izbiri, ki sodeluje kot sodnik; imena preostalih sodnikov izbere z žrebom predsednik pred začetkom obravnave.

44. člen

Pravica predložiti zadevo Sodišču pripada samo visokim pogodbenim strankam in Komisiji.

45. člen

Pristojnost Sodišča obsega vse spore v zvezi z razlago in uporabo te Konvencije, ki jih predložijo visoke pogodbene stranke ali Komisija na podlagi 48. člena.

46. člen

- 1) Vsaka visoka pogodbeni stranka lahko kadarkoli izjavi, da priznava pristojnost Sodišča kot obvezno ipso facto in brez posebnega soglasja v vseh zadevah v zvezi z razlago in uporabo te Konvencije.
- 2) Takšne izjave lahko dajo države brezpogojno ali s pogojem recipročnosti v odnosu do nekaterih ali do določenih drugih visokih pogodbenih strank ali za določeno dobo.
- 3) Te izjave se vložijo pri generalnem sekretarju Sveta Evrope, ki pošlje kopije vsem visokim pogodbenim strankam.

47. člen

Sodišče sme obravnavati zadevo šele potem, ko Komisija ugotovi, da prizadevanja za prijateljsko rešitev niso bila uspešna, in sicer v roku treh mesecev, kot to določa 32. člen.

48. člen

Če prizadeta visoka pogodbeni stranka, če je samo ena, ali pa prizadete visoke pogodbene stranke, Če jih je več, priznavajo obvezno sodno pristojnost Sodišča, ali pa v primeru, če to ni tako, vendar pa s tem soglašata prizadeta visoka pogodbeni stranka, če je samb ena, ali pa prizadete visoke pogodbene stranke, če jih je več, lahko zadevo predložijo Sodišču:

- a) Komisija;
- b) visoka pogodbeni stranka, katere državljan je domnevna žrtev;
- c) visoka pogodbeni stranka, ki je zadevo predložila Komisiji;
- d) visoka pogodbeni stranka, proti kateri je vložena pritožba.

49. člen

Če nastane spor o pristojnosti Sodišča, odloči o tem Sodišče.

50. člen

Če Sodišče ugotovi, da je odločitev ali ukrep, ki ga je sprejela sodna ali kakšna druga oblast visoke pogodbene stranke, v celoti ali delno v nasprotju z obveznostmi, ki izhajajo iz te Konvencije, in če domače pravo stranke dopušča zgolj delno odpravo posledic takšne odločitve ali ukrepa, zagotovi Sodišče s svojo odločbo, če je to potrebno, oškodovani stranki pravično zadoščenje.

51. člen

- 1) Sodba Sodišča mora biti obrazložena.
- 2) Če sodba v celoti ali delno ne izraža soglasnega mnenja sodnikov, lahko vsak sodnik da svoje ločeno mnenje.

52. člen

Sodba Sodišča je dokončna.

53. člen

Visoke pogodbene stranke se zavezujejo, da se bodo podredile odločitvi Sodišča v vseh primerih, kjer nastopajo kot stranke.

54. člen

Sodba Sodišča se pošlje Odboru ministrov, ki nadzoruje njeno izvršitev.

55. člen

Sodišče sprejme svoj poslovnik in določi svoj postopek.

56. člen

- 1) Prve volitve članov Sodišča se opravijo potem, ko osem visokih pogodbenih strank da izjavo iz 46. člena.
- 2) Pred temi volitvami Sodišče ne sme obravnavati nobene zadeve.

V. DEL

57. člen

Na zahtevo generalnega sekretarja Sveta Evrope mora vsaka visoka pogodbeni stranka predložiti pojasnila o tem, kako njeno notranje pravo zagotavlja učinkovito uveljavljanje vseh določb te Konvencije.

58. člen

Stroške Komisije in Sodišča krije Svet Evrope.

59. člen

Članom Komisije in Sodišča pripadajo med opravljanjem funkcije privilegiji in imunitete, ki jih določa 40. člen Statuta Sveta Evrope in sporazumi, sklenjeni na podlagi njegovih določb.

60. člen

Nobene določbe te Konvencije ni mogoče razlagati kot omejitev ali odpravo katerekoli človekove pravice in temeljne svoboščine, ki jih je mogoče uveljaviti po zakonih katerekoli visoke pogodbene stranke ali po sporazumih, v katerih nastopa kot pogodbenica.

61. člen

Nobena določba te Konvencije ne odpravlja pooblastil; ki pripadajo Odboru ministrov na podlagi Statuta Sveta Evrope.

62. člen

Visoke pogodbene stranke soglašajo, razen če se posebej ne dogovorijo drugače, da ne bodo uporabile pogodb, konvencij ali deklaracij, ki med njimi veljajo, za to, da bi v obliki pritožbe predložile, naj se spor zaradi razlage ali uporabe te Konvencije rešuje s sredstvi, ki jih ta Konvencija ne predvideva.

63. člen

- 1) Vsaka država sme ob ratifikaciji ali kadarkoli pozneje z notifikacijo, ki jo naslovi na generalnega sekretarja Sveta Evrope, izjaviti, da velja ta Konvencija tudi za vse ali za katero od ozemelj, za katerih mednarodne odnose je odgovorna.
- 2) konvencija začne veljati za ozemlje ali ozemlja, navedena v notifikaciji, trideseti dan potem, ko je generalni sekretar Sveta Evrope sprejel notifikacijo.
- 3) Določbe te Konvencije se uporabljajo na teh ozemljih ob upoštevanju krajevnih razmer.
- 4) Vsaka država, ki je dala izjavo na podlagi prvega odstavka tega člena, lahko kadarkoli pozneje izjavi, da sprejema za eno ali več ozemelj, na katera se izjava nanaša, pristojnost Komisije za sprejemanje pritožb od posameznikov, nevladnih organizacij ali skupin posameznikov v skladu s 25. členom te Konvencije.

64. člen

- 1) Vsaka država lahko ob podpisu te Konvencije ali ob deponiranju svojih ratifikacijskih listin izrazi pridržke ob katerikoli posebni določbi te Konvencije, če kak zakon, ki tedaj velja na njenem ozemlju, ni v skladu s takšno določbo. Ta člen ne dovoljuje pridržkov splošne narave.
- 2) Vsak pridržek po tem členu mora vsebovati kratko oznako zakona, na katerega se nanaša.

65. člen

- 1) Visoka pogodbenica stranka lahko odpove to Konvencijo šele po preteku petih let od tedaj, ko je postala njena pogodbenica, in po šestmesečni odpovedi, ki jo z notifikacijo naslovi na generalnega sekretarja Sveta Evrope, ta pa o tem obvesti druge visoke pogodbene stranke.
- 2) Takšna odpoved visoke pogodbene stranke ne razrešuje njenih obveznosti po tej Konvenciji za katerokoli dejanje, ki bi ga storila pred dnem, ko je odpoved začela veljati, in ki bi lahko pomenilo kršitev takšnih obveznosti.

- 3) Vsaka visoka pogodbená stranka, ki preneha biti članica Sveta Evrope, preneha biti ob istih pogojih tudi stranka te Konvencije.
- 4) V skladu z določbami prejšnjih odstavkov je mogoče odpovedati Konvencijo za katerokoli ozemlje, za katero je bila dana izjava o njeni uporabi na podlagi določb 63. člena.

66. člen

- 1) Ta Konvencija je odprta za podpis članicam Sveta Evrope, ki jo morajo ratificirati. Ratifikacijske listine, je treba deponirati pri generalnem sekretarju Sveta Evrope.
- 2) Ta Konvencija bo začela veljati potem, ko bo deponiranih deset ratifikacijskih listin.
- 3) Za poznejše podpisnice bo Konvencija začela veljati z dnem, ko bodo deponirane njihove ratifikacijske listine.
- 4) Generalni sekretar Sveta Evrope obvesti vse članice Sveta Evrope o začetku veljavnosti konvencije, o imenih visokih pogodbenih strank, ki so jo ratificirale, in o deponiranju ratifikacijskih listin, ki so prispele pozneje.

Sestavljeno v Rimu 4. novembra 1950 v angleščini in francoščini, od katerih sta obe besedili enako avtentični, in sicer samo v enem izvodu, ki je deponiran v arhivih Sveta Evrope. Generalni sekretar Sveta Evrope pošlje overjene kopije vsem podpisnicam.

PROTOKOL ŠT. 2

H KONVENCIJI O VARSTVU ČLOVEKOVIH PRAVIC IN TEMELJNIH SVOBOŠČIN, KI PODELJUJE EVROPSKEMU SODIŠČU ZA ČLOVEKOVE PRAVICE PRISTOJNOST ZA DAJANJE SVETOVALNIH MNENJ

Države članice Sveta Evrope, podpisnice tega Protokola, so se

ob upoštevanju določb Konvencije o varstvu človekovih pravic in temeljnih svoboščin, ki je bila podpisana v Rimu 4. novembra 1950 (v nadaljnjem besedilu imenovana Konvencija), in še posebej 19. člena, ki ustanavlja med drugimi telesi tudi Evropsko sodišče za človekove pravice (v nadaljevanju imenovano Sodišče);

prepričane, da je primerno, če ob določenih pogojih Sodišču podelijo pristojnost za dajanje svetovalnih mnenj,

dogovorile o naslednjem:

1. člen

- 1) Sodišče lahko na zahtevo Odbora ministrov daje svetovalna mnenja o pravnih vprašanjih, ki zadevajo razlago Konvencije in njenih Protokolov.
- 2) Takšna mnenja se ne smejo nanašati na vprašanja, ki so v zvezi z vsebino ali obsegom pravic in svoboščin, kakor so opredeljene v I. delu Konvencije in v protokolih h Konvenciji, in tudi ne na kakšno drugo vprašanje, ki bi lahko postalo predmet obravnave pred Komisijo, na Sodišču ali Odboru ministrov v postopku, ki je določen s Konvencijo za obravnavanje pritožb.
- 3) Sklep Odbora ministrov, da zahteva svetovalno mnenje Sodišča, mora biti sprejet z dvotretjinsko večino glasov predstavnikov, ki so upravičeni do članstva v Odboru ministrov.

2. člen

Sodišče samo odloči, ali sodi zahteva po svetovalnem mnenju, ki mu jo predloži Odbor ministrov, v njegovo svetovalno pristojnost, kot je opredeljena v 1. členu tega Protokola.

3. člen

- 1) Sodišče obravnava vsako zahtevo, naj da svoje svetovalno mnenje, na plenarnem zasedanju.
- 2) Svetovalno mnenje Sodišča mora biti utemeljeno.
- 3) Če svetovalno mnenje v celoti ali delno ne izraža soglasnega mnenja sodnikov, ima vsak sodnik pravico dati svoje ločeno mnenje.
- 4) Svetovalno mnenje Sodišča se pošlje Odboru ministrov.

4. člen

Pooblastila Sodišča po 55. členu Konvencije obsegajo tudi določitev pravilnika in postopka za namene tega Protokola, če je to po mnenju Sodišča potrebno.

5. člen

- 1) Ta Protokol je odprt za podpis državam članicam Sveta Evrope, podpisnicam Konvencije, ki lahko postanejo stranke tega Protokola:
 - a) s podpisom brez pridržkov, da začne zanje veljati šele po ratifikaciji ali sprejemu;
 - b) s podpisom ob pridržku, da bo začel zanje veljati šele po ratifikaciji ali sprejemu, ki mu sledi ratifikacija ali sprejem.

Listine o ratifikaciji ali sprejemu se deponirajo pri generalnem sekretarju Sveta Evrope.

- 2) Ta Protokol začne veljati potem, ko vse države pogodbenice Konvencije postanejo pogodbenice tega Protokola v skladu z določbami prvega odstavka tega člena.
- 3) Z uveljavitvijo tega Protokola postanejo določbe od 1. do 4. člena sestavni del Konvencije.
- 4) Generalni sekretar Sveta Evrope obvesti države članice Sveta:
 - a) o vsakem podpisu brez pridržka glede ratifikacije ali sprejema;
 - b) o vsakem podpisu s pridržkom glede ratifikacije ali sprejema;
 - c) o deponiranju vsake listine o ratifikaciji ali sprejemu;
 - d) o začetku veljavnosti tega Protokola v skladu z drugim odstavkom tega člena.

Spričo tega so spodaj podpisani, pravilno pooblaščenimi podpisniki, ta Protokol podpisali.

Sestavljeno v Strasbourgu 6. maja 1963 v angleščini in francoščini, od katerih sta obe besedili enako avtentični, in sicer samo v enem izvodu, ki je deponiran v arhivih Sveta Evrope. Generalni sekretar Sveta Evrope pošlje overjene kopije vsem vladam podpisnicam.

PROTOKOL

H KONVENCIJI O VARSTVU ČLOVEKOVIH PRAVIC IN TEMELJNIH SVOBOŠČIN

Vlade podpisnice tega Protokola, članice Sveta Evrope

odločene, da bodo s primernimi ukrepi kolektivno zagotavljale določene pravice in svoboščine, ki še niso vključene v I. del Konvencije o varstvu človekovih pravic in temeljnih svoboščin, ki je bila podpisana v Rimu 4. novembra 1950 (v nadaljevanju imenovana Konvencija),

so se dogovorile o naslednjem:

1. člen

Vsaka fizična ali pravna oseba ima pravico do spoštovanja svojega premoženja. Nikomur ne sme biti lastnina odvzeta, razen če je to v javnem interesu v skladu s pogoji, ki jih določa zakon, in ob spoštovanju splošnih načel mednarodnega prava.

Ta določba pa nikakor ne omejuje pravice držav, da uveljavijo zakone, za katere menijo, da so potrebni za nadzor nad uporabo premoženja v skladu s splošnim interesom ali za zagotovitev plačila davkov, drugih prispevkov ali denarnih kazni.

2. člen

Nikomur ne sme biti odvzeta pravica do izobraževanja. Pri izvajanju funkcij, ki so v zvezi z vzgojo in izobraževanjem, mora država spoštovati pravico staršev, da zagotovijo svojim otrokom takšno vzgojo in izobraževanje, ki sta v skladu z njihovim lastnim verskim in filozofskim prepričanjem.

3. člen

Visoke pogodbene stranke se zavezujejo, da bodo izvedle v razumnih časovnih presledkih svobodne in tajne volitve, ki bodo zagotovile svobodno izražanje mnenja ljudstva pri izbiri zakonodajnih teles.

4. člen

Vsaka visoka pogodbeni stranka lahko ob podpisu ali ratifikaciji ali kadarkoli pozneje pošlje generalnemu sekretarju Sveta Evrope izjavo, s katero sporoči, da bodo določbe tega protokola veljale na v izjavi navedenih ozemljih, za katerih mednarodne odnose je odgovorna.

Vsaka visoka pogodbeni stranka, ki je poslala izjavo iz prejšnjega odstavka, lahko kadarkoli z novo izjavo spremeni vsebino katerekoli prejšnje izjave ali pa prekliče veljavnost določb tega Protokola glede kateregakoli ozemlja.

Izjava, ki je v skladu s tem členom, se šteje, da je v skladu s prvim odstavkom 63. člena Konvencije.

5. člen

Visoke pogodbene stranke štejejo določbe 1., 2., 3. in 4. člena tega Protokola kot dodatne člene h Konvenciji in zanje veljajo vse določbe Konvencije.

6. člen

Ta Protokol je odprt za podpis članicam Sveta Evrope, ki so podpisnice Konvencije; ratificiran mora biti ob ali po ratifikaciji Konvencije. Veljati začne potem, ko bo deponiranih deset ratifikacijskih listin. Za podpisnico, ki ratificira Protokol naknadno, začne veljati ob deponiranju njenih ratifikacijskih listin.

Ratifikacijske listine morajo biti deponirane pri generalnem sekretarju Sveta Evrope, ki bo vsem članicam sporočil imena držav, ki so ta Protokol ratificirale.

Sestavljeno v Parizu 20. marca 1952 v angleščini [in francoščini, od katerih sta obe besedili enako avtentični, in sicer samo v enem izvodu, ki je deponiran v arhivih Sveta Evrope. Generalni sekretar Sveta Evrope pošlje overjene kopije vsem vladam podpisnicam.

PROTOKOL ŠT. 4

H KONVENCIJI O VARSTVU ČLOVEKOVIH PRAVIC IN TEMELJNIH SVOBOŠČIN, KI ZAGOTAVLJA DOLOČENE PRAVICE IN SVOBOŠČINE, KI ŠE NISO VKLJUČENE V KONVENCIJO IN V PRVI PROTOKOL H KONVENCIJI

Vlade podpisnice, članice Sveta Evrope, odločene, da bodo s primernimi ukrepi kolektivno zagotavljale določene pravice in svoboščine, ki še niso vključene v I. del Konvencije o varstvu človekovih pravic in temeljnih svoboščin, ki je bila podpisana v Rimu 4. novembra 1950 (v nadaljevanju imenovana Konvencija), in v 1. do 3. členu prvega protokola h Konvenciji, podpisanega v Parizu 20. marca 1952,

so se dogovorile o naslednjem:

1. člen

Nikomur ne sme biti odvzeta prostost samo zato, ker ne more izpolniti pogodbenih obveznosti.

2. člen

- 1) Vsakdo, ki je zakonito na ozemlju kake države, ima na njenem ozemlju pravico do svobode gibanja in do svobodne izbire prebivališča.
- 2) Vsakdo lahko svobodno zapusti katerokoli državo, vključno tudi lastno.
- 3) Pri izvajanju teh pravic ne sme biti nobenih omejitev, razen tistih, ki so določene z zakonom in ki so v demokratični družbi nujne zaradi državne in javne varnosti, za vzdrževanje javnega reda, za preprečevanja kaznivih dejanj, za zaščito zdravja ali morale ali za varstvo pravic in svoboščin drugih ljudi.
- 4) Za pravice, navedene v prvem odstavku, lahko na določenih področjih veljajo omejitve, ki morajo biti določene z zakonom in v demokratični družbi upravičene zaradi javnega interesa.

3. člen

- 1) Nihče ne sme biti izgnan bodisi z individualnimi ali s kolektivnimi ukrepi z ozemlja države, katere državljan je.
- 2) Nikomur ne sme biti odvzeta pravica do vstopa na ozemlje države, katere državljan je.

4. člen

Kolektivni izgon tujcev je prepovedan.

5. člen

- 1) Vsaka visoka pogodbenca stranka lahko ob podpisu ali ob ratifikaciji tega protokola ali kadarkoli pozneje pošlje generalnemu sekretarju Sveta Evrope izjavo, s katero sporoči, da bodo določbe tega protokola veljale na v izjavi navedenih ozemljih, za katerih mednarodne odnose je odgovorna.
- 2) Vsaka visoka pogodbenca stranka, ki je poslala izjavo iz prejšnjega odstavka, lahko kadarkoli pošlje novo izjavo, s katero spreminja določbe katerekoli prejšnje izjave ali pa prekliče veljavnost določb tega Protokola glede kateregakoli ozemlja.
- 3) Izjava, dana na podlagi tega člena, se šteje, da je skladna s prvim odstavkom 63. člena Konvencije.
- 4) Ozemlje katerekoli države, za katero velja ta Protokol na podlagi ratifikacije ali sprejema, in vsako ozemlje, za katero velja ta Protokol na podlagi izjave, ki jo je dala ta država v skladu s tem členom, se obravnavata kot ločeni ozemlji zaradi sklicevanja na 2. in 3. člen v zvezi z ozemljem države.

6. člen

- 1) Visoke pogodbene stranke štejejo določbe členov od 1 do 5 tega Protokola za dodatne člene h Konvenciji in vse določbe Konvencije veljajo tudi zanje.
- 2) Vendar pa pravica do individualne pritožbe, ki jo priznava izjava, dana na podlagi 25. člena Konvencije, ali pa priznanje obvezne pristojnosti Sodišča z izjavo na podlagi 46. člena Konvencije ne veljata v zvezi s tem Protokolom, razen če prizadeta visoka pogodbenca stranka izjavi, da priznava takšno pravico ali sprejema takšno pristojnost glede vseh ali pa kateregakoli od členov od 1 do 4 tega Protokola.

7. člen

- 1) Ta Protokol je odprt za podpis članicam Sveta Evrope, ki so podpisale Konvencijo; ratificiran mora biti ob ali po ratifikaciji Konvencije. Veljati začne po deponiranju petih ratifikacijskih listin. Za podpisnico, ki ratificira Protokol pozneje, začne veljati na dan deponiranja njene ratifikacijske listine.
- 2) Ratifikacijske listine morajo biti deponirane pri generalnem sekretarju Sveta Evrope, ki vsem članicam sporoči imena držav, ki so Protokol ratificirale.

Spričo tega so spodaj podpisani, pravilno pooblaščenimi podpisniki, podpisali ta Protokol.

Sestavljeno v Strasbourgu 16. septembra 1963 v angleščini in francoščini, od katerih sta obe besedili enako avtentični, in sicer samo v enem izvodu, ki je shranjen v arhivih Sveta Evrope. Generalni sekretar pošlje overjene kopije vsem državam podpisnicam.

P R O T O K O L Š T . 6

H KONVENCIJI O VARSTVU ČLOVEKOVIH PRAVIC IN TEMELJNIH SVOBOŠČIN, KI ZADEVA ODPRAVO SMRTNE KAZNI

Države članice Sveta Evrope, podpisnice tega Protokola h Konvenciji o varstvu človekovih pravic in temeljnih svoboščin, podpisani v Rimu 4. novembra 1950 (v nadaljevanju imenovana Konvencija), so se:

glede na to, da razvoj v številnih državah članicah Sveta Evrope izraža splošno težnjo k odpravi smrtne kazni,

dogovorile o naslednjem:

1. člen

Smrtna kazen se odpravi. Nihče ne sme biti obsojen na takšno kazen ali usmrčen.

2. člen

Država lahko določi v svoji zakonodaji smrtno kazen za dejanja, storjena med vojno ali ob neposredni vojni nevarnosti; takšna kazen se sme uporabiti le v primerih, ki so določeni v zakonu in v skladu z določbami zakona. Država obvesti generalnega sekretarja Sveta Evrope o takšnih določbah v svoji zakonodaji.

3. člen

Določbe tega Protokola se ne smejo derogirati s sklicevanjem na 15. člen Konvencije.

4. člen

Nobeni pridržki glede določb tega Protokola na podlagi 64. člena Konvencije niso dopustni.

5. člen

- 1) Vsaka država lahko ob. podpisu ali ob deponiranju listine o ratifikaciji, sprejemu ali odobritvi določi ozemlje ali ozemlja, za katera veljajo določbe tega Protokola.
- 2) Vsaka država lahko kadarkoli z izjavo, ki jo naslovi na generalnega sekretarja Sveta Evrope, razširi veljavnost določb tega Protokola na katerokoli drugo ozemlje, navedeno v izjavi. Za to ozemlje bo začel Protokol veljati prvi dan meseca, ki neposredno sledi datumu, ko je generalni sekretar prejel izjavo.
- 3) Vsaka izjava, podana v skladu s prejšnjima odstavkoma, se lahko prekliče za katerokoli ozemlje, navedeno v takšni izjavi, z obvestilom, naslovljenim na generalnega sekretarja. Preklic začne veljati prvi dan meseca, ki neposredno sledi datumu, ko je generalni sekretar prejel takšno obvestilo.

6. člen

Države pogodbenice štejejo določbe členov od 1 do 5 tega Protokola za dodatne člene h Konvenciji in vse določbe Konvencije veljajo tudi zanje.

7. člen

Ta Protokol je odprt za podpis državam članicam Sveta Evrope, ki so podpisnice Konvencije. Protokol mora biti ratificiran, sprejet ali odobren. Država članica Sveta Evrope tega Protokola ne sme ratificirati, sprejeti ali odobriti, če ni hkrati ali že pred tem ratificirala Konvencije. Listine o ratifikaciji, sprejemu ali odobritvi so deponirane pri generalnem sekretarju Sveta Evrope.

8. člen

- 1) Ta Protokol začne veljati prvi dan meseca, ki neposredno sledi datumu, ko je pet držav članic Sveta

Evrope izrazilo soglasje, da jih ta Protokol zavezuje v skladu z določili 7. člena.

- 2) Za vsako državo članico, ki pozneje izrazi soglasje, da jo zavezujejo določila tega Protokola, začne veljati prvi dan meseca, ki neposredno sledi datumu deponiranja listin o ratifikaciji, sprejemu ali odobritvi.

9. člen

Generalni sekretar Sveta Evrope obvesti države članice Sveta:

- a) o vsakem podpisu;
- b) o deponiranju vsake listine o ratifikaciji, sprejemu ali odobritvi;
- c) o datumu uveljavitve Protokola v skladu s 5. in 8. členom;
- d) o vsakem drugem dokumentu, obvestilu ali sporočilu, ki se nanaša na ta Protokol.

Spričo tega so spodaj podpisani, pravilno pooblaščenimi podpisniki, podpisali ta Protokol.

Sestavljeno v Strasbourgu 28. aprila 1983 v angleščini in francoščini, od katerih sta obe besedili enako avtentični, in sicer samo v enem izvodu, ki je shranjen v arhivih Sveta Evrope. Generalni sekretar Sveta Evrope pošlje overjene kopije vsem državam članicam Sveta Evrope.

PROTOKOL ŠT. 7

H KONVENCIJI O VARSTVU ČLOVEKOVIH PRAVIC IN TEMELJNIH SVOBOŠČIN

Države članice Sveta Evrope, podpisnice tega Protokola,

odločene, da bodo z novimi primernimi ukrepi kolektivno zagotavljale določene pravice in svoboščine iz Konvencije o varstvu človekovih pravic in temeljnih svoboščin, ki je bila podpisana v Rimu 4. novembra 1950 (v nadaljevanju imenovana Konvencija),

so se dogovorile o naslednjem:

1. člen

- 1) Tujec, ki zakonito prebiva na ozemlju kake države, ne sme biti izgnan s tega ozemlja, razen z odločbo, ki temelji na zakonu, pri tem pa mora imeti možnost:
 - a) predložiti utemeljen ugovor proti izgonu,
 - b) zahtevati preskus svoje zadeve in
 - c) doseči, da ga v zvezi s tem sprejme pristojni organ oblasti ali oseba oziroma osebe, ki jih pooblasti omenjeni pristojni organ oblasti.
- 2) Tujec se sme izgnati, preden uveljavi pravice iz točk a,b in c prvega odstavka tega člena, če je takšen izgon nujen zaradi javnega reda ali zaradi varnosti države.

2. člen

- 1) Vsakdo, ki je bil obsojen zaradi kaznivega dejanja, ima pravico zahtevati preskus sodne odločbe o krivdi in o kazni pred višjim sodiščem. Uveljavljanje te pravice, vključno z razlogi, na podlagi katerih jo lahko prizadeti uveljavi, morajo biti določeni z zakonom.
- 2) Ta pravica se lahko izjemoma omeji, če gre za kršitve manjšega pomena, kakor so predpisane z zakonom, ali če je prizadetega že na prvi stopnji obsodilo najvišje sodišče ali če mu je bila izrečena obsodilna sodba po pritožbi zoper oprostilno sodbo.

3. člen

Če je bila pravnomočna kazenska sodba pozneje razveljavljena ali če je bila oseba pomiloščena zato, ker je kako novo ali na novo odkrito dejstvo pokazalo, da gre za sodno zmoto, ima oseba, ki je zaradi takšne obsodbe prestajala kazen, pravico do odškodnine skladno z zakonom ali prakso te države, razen če bi se dokazalo, da je prepozno uveljavitev takšnih dejstev prizadeti v celoti ali deloma sam povzročil.

4. člen

- 1) Pravosodni organi iste države ne smejo nikogar ne kazensko preganjati ne kaznovati za kaznivo dejanje, za katero je bil na podlagi zakona in v skladu s kazenskim postopkom te države s pravnomočno sodbo že oproščen ali obsojen.
- 2) Določbe prejšnjega odstavka ne preprečujejo obnove kazenskega postopka na podlagi zakona in skladno s kazenskim postopkom prizadete države, če obstajajo dokazi o novih ali na novo odkritih dejstvih ali pa če je v prejšnjih postopkih prišlo do bistvene napake, ki bi lahko vplivala na izid sojenja.
- 3) Določila tega člena se ne smejo derogirati s sklicevanjem na 15. člen Konvencije.

5. člen

Zakoncema gredo iz zakonske zveze enake civilnopravne pravice in dolžnosti v medsebojnem razmerju in v razmerju do svojih otrok tako med trajanjem zakonske zveze kot tudi po njenem prenehanju. Določba tega člena ne preprečuje državam, da uveljavijo ukrepe, ki jih narekujejo koristi otrok.

6. člen

- 1) Vsaka država lahko ob podpisu ali ob deponiranju listin o ratifikaciji, sprejemu ali odobritvi določi ozemlje ali ozemlja, za katera veljajo določbe tega Protokola, in v kakšnem obsegu bodo veljale na tem ozemlju ali ozemljih.
- 2) Vsaka država lahko pozneje z izjavo, ki jo naslovi na generalnega sekretarja Sveta Evrope, razširi veljavnost določil tega Protokola na katerokoli drugo ozemlje, navedeno v izjavi. Za to ozemlje bo začel Protokol veljati prvi dan meseca, ki neposredno sledi pretečenemu roku dveh mesecev od datuma, ko je generalni sekretar prejel izjavo.
- 3) Vsaka izjava, dana na podlagi prejšnjih dveh odstavkov, se lahko za katerokoli ozemlje, navedeno v takšni izjavi, prekliče ali spremeni z obvestilom, naslovljenim na generalnega sekretarja. Preklic ali sprememba začne veljati prvi dan meseca, ki neposredno sledi pretečenemu roku dveh mesecev od datuma, ko je generalni sekretar prejel obvestilo.
- 4) Za izjavo, ki je bila dana na podlagi tega člena, se šteje, da je v skladu s prvim odstavkom 63. člena Konvencije.
- 5) Ozemlje katerekoli države, za katero velja ta Protokol na podlagi ratifikacije, sprejema ali odobritve, ter vsako ozemlje, za katero velja ta Protokol na podlagi izjave, ki jo je dala država na podlagi tega člena, se lahko obravnavata kot ločeni ozemlji zaradi sklicevanja na 1. člen v zvezi z ozemljem države.

7. člen

- 1) Države pogodbenice štejejo določbe od 1. do 6. člena tega Protokola kot dodatne člene h Konvenciji in vsa določila Konvencije veljajo tudi zanje.
- 2) Vendar pa pravica do individualne pritožbe, ki jo priznava izjava na podlagi 25. člena Konvencije, ali pa priznanje obvezne pristojnosti Sodišča z izjavo na podlagi 46. člena Konvencije ne veljata v zvezi s tem Protokolom, razen če prizadeta visoka pogodbeni stranka ne izjavi posebej, da priznava takšno pravico ali sprejema takšno pristojnost v zvezi s členi od 1 do 5 tega Protokola.

8. člen

Ta Protokol je odprt za podpis državam članicam Sveta Evrope, ki so podpisale Konvencijo. Protokol morajo države ratificirati, sprejeti ali odobriti. Tega Protokola ne sme ratificirati, sprejeti ali odobriti država članica Sveta Evrope, ki ni hkrati ali pa pred tem ratificirala Konvencije. Listine o ratifikaciji, sprejemu ali odobritvi so deponirane pri generalnem sekretarju Sveta Evrope.

9. člen

- 1) Ta Protokol začne veljati prvi dan meseca, ki neposredno sledi preteku roka dveh mesecev od datuma, ko je sedem držav članic Sveta Evrope izrazilo soglasje, da jih določbe tega Protokola zavezujejo skladno z določbami 8. člena.
- 2) Za vsako državo članico, ki naknadno izrazi soglasje, da jo zavezujejo določila Protokola, začne Protokol veljati prvi dan meseca, ki neposredno sledi preteku roka dveh mesecev od datuma deponiranja listin o ratifikaciji, sprejemu ali odobritvi.

10. člen

- Generalni sekretar Sveta Evrope obvesti vse države članice Sveta Evrope: a) o vsakem podpisu,
- b) o deponiranju listin o ratifikaciji, sprejemu ali odobritvi,
- c) o datumu začetka veljavnosti Protokola, skladno s 6. in 9. členom,
- d) o vsakem drugem dokumentu, obvestilu ali sporočilu, kj se nanaša na ta Protokol.

Spričo tega so spodaj podpisani, pravilno pooblaščenimi podpisniki, podpisali ta Protokol.

Sestavljeno v Strasbourgu 22. novembra 1984 v angleščini in francoščini, od katerih sta obe besedili enako avtentični, in sicer samo v enem izvodu ki je deponiran v arhivih Sveta Evrope. Generalni sekretar Sveta Evrope pošlje overjene kopije vsem državam članicam Sveta Evrope.

PROTOKOL ŠT. 9

H KONVENCIJI O VARSTVU ČLOVEKOVIH PRAVIC IN TEMELJNIH SVOBOŠČIN

Države članice Sveta Evrope, podpisnice tega Protokola h Konvenciji o varstvu človekovih pravic in temeljnih svoboščin, ki je bila podpisana v Rimu 4. novembra 1950 (v nadaljevanju Konvencija),

odločene, da izboljšajo postopke, ki jih določa Konvencija,

so se dogovorile o naslednjem:

1. člen

Pogodbenice Konvencije, ki jih zavezuje ta Protokol, sprejemajo spremembe in dopolnitve Konvencije, kot je določeno v členih od 2 do 5.

2. člen

Drugi odstavek 31. člena Konvencije se dopolni in se glasi:

»2) Poročilo se pošlje Odboru ministrov. Poročilo se pošlje tudi prizadetim državam in pritožniku, če je pritožba vložena na podlagi 25. člena. Prizadeta država in pritožnik poročila ne smeta objaviti.«

3. člen

44. člen Konvencije se spremeni in dopolni in se glasi:

»Pravica predložiti zadevo Sodišču pripada samo visokim pogodbenim strankam, Komisiji in posamezniku, nevladni organizaciji ali skupini posameznikov, ki so vložili pritožbo na podlagi 25. člena.«

4. člen

45. člen Konvencije se spremeni in dopolni in se glasi:

»Pristojnost Sodišča obsega vse zadeve v zvezi z razlago in uporabo te Konvencije, ki so mu predložene ob pogojih, določenih v 48. členu.«

5. člen

48. člen Konvencije se spremeni in dopolni in se glasi:

»1) Če prizadeta visoka pogodbeni stranka, če je samo ena, ali pa prizadete visoke pogodbene stranke, če jih je več, priznavajo obvezno pristojnost Sodišča, ali pa v primeru, če to ni tako, vendar pa s tem soglašata prizadeta visoka pogodbeni stranka, če je samo ena, ali prizadete visoke pogodbene stranke, če jih je več, lahko zadevo predložijo Sodišču:

- a) Komisija,
 - b) visoka pogodbeni stranka, katere državljan je domnevna žrtev,
 - c) visoka pogodbeni stranka, ki je zadevo predložila Komisiji,
 - d) visoka pogodbeni stranka, proti kateri je vložena pritožba,
 - e) posameznik, nevladna organizacija ali skupina posameznikov, ki je zadevo predložila Komisiji.
- 2) Če je zadeva predložena Sodišču samo na podlagi točke d prvega odstavka, se najprej predloži odboru, ki ga sestavljajo trije člani Sodišča. V odboru sodeluje po uradni dolžnosti sodnik, ki predstavlja visoko pogodbeno stranko, proti kateri je bila pritožba vložena, ali če ga ni, oseba po njeni izbiri, ki bo opravljala dolžnost sodnika.

Če je bila pritožba vložena proti več visokim pogodbenim strankam, se število članov odbora ustrezno poveča.

Če zadeva ne sproži težjih vprašanj glede razlage ali uporabe Konvencije in če zaradi drugih razlogov ne upravičuje obravnave pred Sodiščem, lahko odbor soglasno odloči, da je ne bo predložil Sodišču. V takšnem primeru odloči Odbor ministrov ob pogojih, ki so določeni v 32. členu, ali je podana kršitev Konvencije ali ne.«

6. člen

- 1) Ta Protokol je odprt za podpis državam članicam Sveta Evrope, ki so podpisnice Konvencije in ki lahko izrazijo svoje soglasje:
- a) s podpisom brez pridržkov, da bo začel zanje veljati šele po ratifikaciji, sprejemu ali odobritvi;
 - b) s podpisom ob pridržku, da bo začel zanje veljati šele po ratifikaciji, sprejemu ali odobritvi, ki mu sledi ratifikacija, sprejem ali odobritev.
- 2) Listine o ratifikaciji, sprejemu ali odobritvi se deponirajo pri generalnem sekretarju Sveta Evrope.

7. člen

- 1) Ta Protokol začne veljati prvi dan v mesecu, ki sledi roku treh mesecev po datumu, ko je deset držav članic Sveta Evrope izrazilo svojo privolitev, da jih ta, Protokol zavezuje skladno z določbami 6. člena.

- 2) Za vsako državo članico, ki pozneje izrazi soglasje, da jo zavezujejo določila tega Protokola, začne veljati prvi dan meseca, ki sledi preteku roka treh mesecev po datumu podpisa ali deponiranja listin o ratifikaciji, sprejemu ali odobritvi.

8. člen

Generalni sekretar Sveta Evrope obvesti države članice Sveta Evrope:

- a) o vsakem podpisu;
- b) o deponiranju vsake listine o ratifikaciji, sprejemu ali odobritvi;
- c) o datumu uveljavitve tega Protokola v skladu s 7. členom;
- d) o vsakem drugem dokumentu, obvestilu ali izjavi, ki se nanaša na ta Protokol.

Spričo tega so spodaj podpisani, pravilno pooblaščenimi podpisniki, podpisali ta Protokol.

Sestavljeno v Rimu 6. novembra 1990 v francoščini in angleščini, od katerih sta obe besedili enako avtentični, in sicer samo v enem izvodu, ki bo shranjen v arhivih Sveta Evrope. Generalni sekretar Sveta Evrope pošlje overjene kopije vsem državam članicam Sveta Evrope.

PROTOKOL ŠT. 10

H KONVENCIJI O VARSTVU ČLOVEKOVIH PRAVIC IN TEMELJNIH SVOBOŠČIN

Države članice Sveta Evrope, podpisnice tega Protokola h Konvenciji o varstvu človekovih pravic in temeljnih svoboščin, ki je bila podpisana v Rimu 4. novembra 1950 (v nadaljevanju imenovana Konvencija),

prepričane, da je treba spremeniti 32. člen Konvencije tako, da se zmanjša dvetretjinska večina, ki je s tem členom določena,

so se dogovorile o naslednjem:

1. člen

Črta se beseda "dvetretjinsko" v prvem odstavku 32. člena Konvencije.

2. člen

- 1) Ta Protokol je odprt za podpis državam članicam Sveta Evrope, ki so podpisale Konvencijo in ki lahko izrazijo svoje soglasje, da jih ta Protokol zavezuje:

- a) s podpisom brez pridržkov, da bo začel zanje veljati šele po ratifikaciji, sprejemu ali odobritvi,
- b) s podpisom ob pridržku, da bo začel zanje veljati šele po ratifikaciji, sprejemu ali odobritvi, ki mu sledi ratifikacija, sprejem ali odobritev.

- 2) Listine o ratifikaciji, sprejemu ali odobritvi se deponirajo pri generalnem sekretarju Sveta Evrope.

3. člen

Ta Protokol začne veljati prvi dan v mesecu, ki sledi preteku roka treh mesecev od datuma, ko so vse pogodbenice Konvencije izjavile svoje soglasje, da jih zavezuje ta Protokol v skladu z določbami 2. člena.

4. člen

Generalni sekretar Sveta Evrope obvesti države članice Sveta:

- a) o vsakem podpisu;
- b) o deponiranju vsake listine o ratifikaciji, sprejemu ali odobritvi;
- c) o začetku veljavnosti tega Protokola v skladu s 3. členom;
- d) o vsakem drugem dokumentu, obvestilu ali sporočilu, ki se nanaša na ta Protokol.

Spričo tega so spodaj podpisani, pravilno pooblaščen podpisniki, podpisali ta Protokol.

Sestavljeno v Strasbourgu 25. marca 1992 v francoščini in angleščini, od katerih sta obe besedili enako avtentični, in sicer samo v enem izvodu, ki je shranjen v arhivih Sveta Evrope. Generalni sekretar Sveta Evrope pošlje overjene kopije vsem državam članicam Sveta Evrope.

PROTOKOL ŠT. 11

B KONVENCIJI O VARSTVU ČLOVEKOVIH PRAVIC IN TEMELJNIH SVOBOŠČIN, KI PREOBLIKUJE NADZORNE MEHANIZME, VZPOSTAVLJENE S KONVENCIJO

Države članice Sveta Evrope, podpisnice tega Protokola h Konvenciji o varstvu človekovih pravic in temeljnih svoboščin, podpisane v Rimu 4. novembra 1950 (v nadaljevanju imenovana »Konvencija«), so se,

upoštevajoč nujnost preoblikovanja nadzornih mehanizmov, vzpostavljenih s Konvencijo z namenom ohraniti in izboljšati učinkovitost varstva človekovih pravic in temeljnih svoboščin, predvsem glede na čedalje večje število prošenj in naraščajoče članstvo v Svetu Evrope,

upoštevajoč, da je torej zaželeno, da se dopolnijo nekatere določbe iz Konvencije, predvsem z namenom, da bi nadomestili obstoječo Evropsko komisijo in Sodišče. za človekove pravice z novim stalnim Sodiščem,

glede na Resolucijo št. 1, ki jo je sprejela Evropska ministrska konferenca o človekovih pravicah na Dunaju 19. in 20. marca 1985,

glede na Priporočilo 1194 (1992), ki ga je sprejela Parlamentarna skupščina Sveta Evrope 6. oktobra 1992,

glede na sklep o reformi nadzornega mehanizma Konvencije, ki ga sprejeli voditelji držav in vlad držav članic Sveta Evrope v Dunajski deklaraciji z dne 9. oktobra 1993,

dogovorile o naslednjem:

1. člen

Obstoječe besedilo II. do IV. dela Konvencije (19. do 56. člen) ter Protokol št. 2, ki podeljuje Evropskemu sodišču za človekove pravice pristojnost za dajanje svetovalnih mnenj, se nadomestijo z naslednjim II. delom Konvencije (19. do 51. člen):

»II. DEL

EVROPSKO SODIŠČE ZA ČLOVEKOVE PRAVICE

19. člen

Ustanovitev sodišča

Za zagotovitev spoštovanja obveznosti, ki so jih sprejele visoke pogodbenice s to Konvencijo in njenimi protokoli, se ustanovi Evropsko sodišče za človekove pravice, v nadaljevanju imenovano »Sodišče«. Sodišče bo stalno.

20. člen

Število sodnikov

Sodišče ima toliko sodnikov, kolikor je visokih pogodbenic.

21. člen

Kriteriji za opravljanje funkcij

1. Sodniki morajo imeti visok moralni ugled in morajo bodisi izpolnjevati zahtevane pogoje za opravljanje visokih pravosodnih funkcij ali pa morajo biti splošno priznani pravni strokovnjaki.
2. Sodniki delujejo na Sodišču v osebnem svojstvu.
3. Med opravljanjem te funkcije sodniki ne smejo sprejeti nobene dolžnosti, ki ni združljiva z njihovo neodvisnostjo, nepristranskostjo ali pa z drugimi zahtevami te funkcije, ki ima značaj polne zaposlitve; o vseh vprašanjih, ki izhajajo iz uporabe tega odstavka, odloča Sodišče.

22. člen

Volitev sodnikov

1. Sodnike z večino glasov izvoli Parlamentarna skupščina s seznama treh kandidatov, ki jih imenuje vsaka visoka pogodbenica.
2. Enak postopek velja tudi za dopolnitev Sodišča, če so pristopile nove visoke pogodbenice, ali za zapolnitev izpraznjenih mest.

23. člen

Trajanje mandata

1. Sodniki so izvoljeni za dobo šestih let. Lahko so ponovno izvoljeni. Vendar pa polovici sodnikov, ki so bili izvoljeni na prvih volitvah, mandat poteče po izteku treh let.
2. Sodnike, ki jim poteče mandat ob koncu prvega triletnega obdobja, izbere z žrebom generalni sekretar Sveta Evrope takoj potem, ko so izvoljeni.
3. Da bi v kar največji možni meri zagotovili, da se mandat polovice sodnikov obnovi vsaka tri leta, lahko Parlamentarna skupščina, preden začne z naslednjimi volitvami, odloči, da mandati enega ali več sodnikov, ki jih bodo izvolili, ne bodo trajali šest let, vendar, pa tudi ne smejo biti daljši od devet let in ne krajši od treh let.
4. V primerih, ko gre za več kot en mandat, in Parlamentarna skupščina uporabi določbe prejšnjega odstavka, določi razporeditev mandatov z žrebom generalni sekretar Sveta Evrope takoj po volitvah.
5. Sodnik, ki je izvoljen namesto sodnika, čigar mandat še ni potekel, opravlja to dolžnost do konca predhodnikovega mandata.
6. Sodnikom mandat poteče, ko dosežejo starost 70 let.
7. Sodniki opravljajo svojo funkcijo do zamenjave. Po zamenjavi ostajajo pristojni za zadeve, ki so jim bile že dodeljene.

24. člen

Odpoklic

Sodnik je lahko razrešen svoje funkcije samo v primeru, če ostali sodniki z dvotretjinsko večino odločijo, da ne izpolnjuje več zahtevanih pogojev.

25. člen

Sodna pisarna in pravni sodelavci

Sodišče ima sodno pisarno, katere funkcijo in organizacijo določa poslovnik sodišča. Sodišču pomagajo pravni sodelavci.

26. člen

Plenarno sodišče

Plenarno sodišče:

- a) voli svojega predsednika in enega ali dva podpredsednika za dobo treh let; lahko so ponovno izvoljeni;
- b) ustanavlja senate za določeno obdobje;
- c) voli predsednike senatov Sodišča; ti so lahko ponovno izvoljeni;
- d) sprejme poslovnik Sodišča;

e) voli tajnika in enega ali več namestnikov.

27. člen

Odbori, senati in veliki senat

1. Za proučitev zadev, predloženih Sodišču, le-to zaseda v odborih s tremi sodniki, v senatu s sedmimi sodniki in v velikem senatu s sedemnajstimi sodniki. Senati Sodišča ustanavljajo svoje odbore za dobo enega leta.
2. Sodnik, ki ga izvoli država stranka v sporu, je po uradni dolžnosti član senata in velikega senata; v primeru njegove odsotnosti ali če ne more sodelovati, ta država sama izbere osebo, ki sodeluje kot sodnik.
3. Veliki senat vključuje tudi predsednika Sodišča, podpredsednike, predsednike senatov in druge sodnike, izbrane v skladu s poslovnikom Sodišča. Kadar je zadeva predložena velikemu senatu v skladu s 43. členom, ne sme noben sodnik iz senata, ki je izrekel sodbo, sodelovati v velikem senatu, razen predsednika senata in sodnika, ki je sodeloval v imenu zadevne države.

28. člen

Izjave odborov o nesprejemljivosti

Odbor lahko soglasno odloči, da posamezna zahteva za obravnavo, predložena v skladu s 34. členom, ni sprejemljiva ali jo črta s seznama zadev, če se ta odločitev lahko sprejme brez dodatne proučitve. Taka odločitev je dokončna.

29. člen

Odločitve senatov o sprejemljivosti in o temelju zadev

1. Če v skladu z 28. členom ni bila sprejeta nobena odločitev, senat odloči o sprejemljivosti in argumentih za in proti obravnavi posameznih zahtevkov, predloženih v skladu s 34. členom.
2. Senat odloči o sprejemljivosti ter o argumentih za in proti obravnavi meddržavnih zahtevkov, predloženih v skladu s 33. členom.
3. Odločitev o sprejemljivosti se sprejme ločeno, razen če sodišče v izjemnih primerih ne odloči drugače.

30. člen

Odstop sodne pristojnosti velikemu senatu

Če zadeva, ki jo senat obravnava, načenja tehtno vprašanje v zvezi z razlago Konvencije ali njenih protokolov ali pa bi rešitev vprašanja lahko privedla do protislovja s predhodno izrečeno sodbo Sodišča, lahko senat, če še ni izrekel svoje sodbe, kadar koli prepusti sodno pristojnost velikemu senatu, če temu nobena od strani ne nasprotuje.

31. člen

Pooblastila velikega senata

Veliki senat:

- a. odloča o zahtevah za obravnavo, predloženih bodisi v skladu s 33. ali 34. členom, če mu je zadevo prepustil senat v skladu s 30. členom ali če mu je bila zadeva predložena v skladu s 43. členom, in
- b. obravnava zahteve za svetovalna mnenja, predložene v skladu s 47. členom.

32. člen

Pristojnost Sodišča

1. Sodišče je pristojno za vse zadeve v zvezi z razlago in uporabo Konvencije in njenih protokolov, ki so mu predložene pod pogoji, predvidenimi v 33., 34. in 47. členu.
2. V primeru spora glede pristojnosti Sodišča odloči o tem Sodišče.

33. člen

Meddržavne zadeve

Vsaka visoka pogodbenica lahko obvesti Sodišče o vsaki domnevni kršitvi določil Konvencije in njenih protokolov, ki bi jih po njenem mnenju lahko pripisali drugi visoki pogodbenici.

34. člen

Posamezne zahteve za obravnavo

Sodišče lahko sprejme zahteve za obravnavo od katere koli osebe, nevladne organizacije ali skupine posameznikov, ki zatrjujejo, da so žrtve kršitev pravic, priznanih s Konvencijo in njenimi protokoli, s strani katere koli visoke pogodbenice. Visoke pogodbenice se zavezujejo, da na noben način ne bodo ovirale dejanskega izvajanja te pravice.

35. člen

Kriteriji sprejemljivosti

1. Sodišče sme obravnavati zadeve šele potem, ko so bila izčrpana vsa notranja pravna sredstva v skladu s splošno priznanimi pravili mednarodnega prava in v šestih mesecih od dne, ko je bila sprejeta dokončna odločitev po notranjem pravu.
2. Sodišče ne bo obravnavalo nobene posamezne zahteve, predložene na podlagi 34. člena, ki je:
 - a) anonimna;

- b) v bistvu ista kot zadeva, ki jo je sodišče že obravnavalo, ali ki je že v drugem postopku mednarodne preiskave ali reševanja in ne vsebuje nobenih novih dejstev.
- 3. Sodišče bo razglasilo za nesprejemljivo vsako zadevo, predloženo v skladu s 34. členom, za katero meni, da ni v skladu z določili Konvencije ali njenih protokolov, da je očitno neutemeljena ali pa da pomeni zlorabo pravice.
- 4. Sodišče v skladu s tem členom v kateri koli fazi postopka zavrne vsako zahtevo za obravnavo, za katero meni, da je nesprejemljiva.

36. člen

Posredovanje tretje strani

- 1. V vseh primerih pred senatom ali velikim senatom ima visoka pogodbenica, katere državljan je vložil zahtevo za obravnavo, pravico, da predloži pisne pripombe in sodeluje pri zaslišanju.
- 2. Predsednik Sodišča lahko v interesu pravičnega sojenja povabi katero koli visoko pogodbenico, ki ni udeležena v postopku, ali katero koli drugo zadevno osebo, ki ni vložila zahteve za obravnavo, da predloži pisne pripombe ali se udeleži zaslišanja.

37. člen

Izbris zahtev za obravnavo

- 1. Sodišče lahko v kateri koli fazi postopka zahtevo za obravnavo izbriše s seznama zadev, če je na podlagi okoliščin možno sklepati:
 - a) da vlagatelj ne namerava vztrajati pri svoji zahtevi; ali
 - b) da je bila zadeva rešena; ali
 - c) da zaradi kakega drugega razloga, ki ga ugotovi Sodišče, nadaljnje obravnavanje zadeve ni več upravičeno.

Kljub temu pa Sodišče nadaljuje z obravnavo zadeve, če to zahteva spoštovanje človekovih pravic, opredeljenih v Konvenciji in njenih protokolih.

- 2. Sodišče se lahko odloči, da zahtevo za obravnavo ponovno uvrsti na seznam zadev, če okoliščine to upravičujejo.

38. člen

Preiskava zadeve in postopek prijateljske poravnave

- 1. Če Sodišče izjavi, da je zahteva za obravnavo sprejemljiva:
 - a) nadaljuje s preiskavo zadeve skupaj s predstavniki strank in po potrebi uvede preiskavo, za katere učinkovit potek morajo prizadete države po izmenjavi mnenj s Sodiščem zagotoviti potrebno pomoč;

- b) mora biti na voljo prizadetim strankam, da bi dosegle prijateljsko poravnavo zadeve na podlagi spoštovanja človekovih pravic, opredeljenih v Konvenciji in njenih protokolih.

2. Postopki, vodeni v skladu z odstavkom 1 b), so zaupni.

39. člen

Prijateljska poravnava

Ob prijateljski poravnavi Sodišče izbriše zadevo s seznama s pomočjo odločitve, ki se omejuje le na kratek povzetek dejstev in na opis dosežene rešitve.

40. člen

Javno zaslišanje in dostop do dokumentov

1. Zaslišanje je javno, razen če Sodišče v izjemnih primerih drugače ne odloči.
2. Dokumenti, deponirani pri tajniku, so dostopni javnosti, razen če predsednik Sodišča ne odloči drugače.

41. člen

Pravično zadoščenje

Če Sodišče ugotovi, da je prišlo do kršitve Konvencije ali njenih protokolov, in če notranje pravo visoke pogodbenice dovoljuje le delno zadoščenje, Sodišče oškodovani stranki, če je potrebno, nakloni pravično zadoščenje. '

42. člen

Sodbe senatov

Sodbe senatov postanejo dokončne v skladu z določili 2. odstavka 44. člena.

43. člen

Predložitev velikemu senatu

1. V treh mesecih od datuma sodbe senata lahko katera koli stranka v zadevi v izjemnih primerih zahteva, da se zadeva predloži v ponovno obravnavo velikemu senatu.
2. Zbor petih sodnikov velikega senata sprejme zahtevo, če se zastavlja pomembno vprašanje v zvezi z razlago ali uporabo Konvencije ali njenih protokolov ali pa gre za pomembno vprašanje splošnega pomena.
3. Če zbor sprejme zahtevo za ponovno obravnavo, se veliki senat izreče o zadevi s sodbo.

44. člen

Dokončne sodbe

1. Sodba velikega senata je dokončna.
2. Sodba senata postane dokončna:
 - a) če stranke izjavijo, da ne bodo zahtevale ponovne obravnave zadeve pred velikim senatom;
 - b) tri mesece od datuma sodbe, če ni bilo zahteve za ponovno obravnavo pred velikim senatom;
 - c) če zbor velikega senata zavrne zahtevo po ponovni obravnavi v skladu s 43. členom.
3. Končna sodba se objavi.

45. člen

Utemeljitev sodb in sklepov

1. Sodbe kot tudi odločitve o sprejemljivosti ali nesprejemljivosti zahtev za obravnavo morajo biti utemeljene.
2. Če sodba v celoti ali delno ne izraža soglasnega mnenja sodnikov, lahko vsak sodnik temu doda svoje ločeno mnenje.

46. člen

Obveznost in izvršitev sodb

1. Visoke pogodbenice se obvezujejo, da bodo spoštovale končno sodbo Sodišča v vsaki zadevi, v kateri nastopajo kot stranke.
2. Končna sodba Sodišča se pošlje Odboru ministrov, ki nadzoruje njeno izvršitev.

47. člen

Svetovalna mnenja

1. Sodišče lahko na zahtevo Odbora ministrov daje svetovalna mnenja o pravnih vprašanjih v zvezi z razlago konvencije in njenih protokolov.
2. Takšna mnenja ne smejo obravnavati vprašanj, ki so povezana z vsebino ali obsegom pravic in svoboščin, opredeljenih v I. delu Konvencije in v njenih protokolih. Prav tako ne smejo obravnavati drugih vprašanj, ki bi jih lahko obravnavalo Sodišče ali Odbor ministrov v zvezi s kakšnim postopkom, sproženim v skladu s Konvencijo.
3. Odločitev Odbora ministrov, da zahteva svetovalno mnenje Sodišča, mora biti sprejeta z večino glasov predstavnikov, ki so upravičeni, da zasedajo v Odboru ministrov.

48. člen

Svetovalna pristojnost Sodišča

Sodišče odloči, ali sodi zahteva za svetovalno mnenje, ki mu jo predloži Odbor ministrov, v njegovo svetovalno pristojnost, kot je opredeljena v 47. členu.

49. člen

Obrazložitev za svetovalno mnenje

1. Svetovalno mnenje Sodišča mora biti obrazloženo.
2. Če svetovalno mnenje v celoti ali delno ne izraža soglasnega mnenja sodnikov, ima vsak sodnik pravico dati svoje ločeno mnenje.
3. Svetovalno mnenje Sodišča se pošlje Odboru ministrov.

50. člen

Stroški delovanja Sodišča

Stroške za delovanje Sodišča nosi Svet Evrope.

51. člen

Privilegiji in imunitete sodnikov

Sodniki uživajo med opravljanjem svojih funkcij privilegije in imunitete, ki so določeni v 40. členu Statuta Sveta Evrope in v sporazumih, sklenjenih na podlagi tega člena.«

2. člen

1. V. del konvencije postane III. del konvencije; 57. člen konvencije postane 52. člen konvencije 58. in 59. člen konvencije se črtata, 60. do 66. člen konvencije pa postanejo 53. do 59. člen konvencije.
2. I. del konvencije ima naslov »PRAVICE IN SVOBOŠČINE«, novi, III. del konvencije pa ima naslov »RAZNE DOLOČBE«. 1. do 18. člen in novi členi konvencije od 52. do 59. so opremljeni z naslovi, naštetimi v dodatku k temu protokolu.
3. V novem 56. členu se v 1. odstavku za besedico »velja« vstavijo besede »s pridržkom 4. odstavka tega člena«; v 4. odstavku se besede »komisije« in »s 25. členom te konvencije« zamenjajo z besedami »sodišča« oziroma »s 34. členom konvencije«. V novem 58. členu se v 4. odstavku besedi »63. člen« nadomestita z besedama »56. člen«.
4. Protokol h konvenciji se dopolni in spremeni, kot sledi:
 - a) členi so opremljeni z naslovi, naštetimi v dodatku k temu protokolu, in
 - b) v zadnjem stavku 4. člena se besedi »63. člena« nadomestita z besedama »56. člena«.
5. Protokol št. 4 se dopolni in spremeni, kot sledi:
 - a) členi so opremljeni z naslovi, naštetimi v dodatku k temu protokolu,

- b) v tretjem odstavku 5. člena se besedi »63. člena« nadomestita z besedama »56. člena«; doda se novi 5. odstavek, ki se glasi:

»Vsaka država, ki je podala izjavo v skladu s prvim ali drugim odstavkom tega člena, lahko kadar koli po tem izjavi za eno ali več ozemelj, na katera se izjava nanaša, da, kar zadeva vse ali katerega izmed členov 1 do 4 tega protokla, sprejema pristojnost Sodišča za sprejemanje zahtev za obravnavo s strani fizičnih oseb, nevladnih organizacij ali skupin posameznikov v skladu s 34. členom konvencije.« in

- c) 2. odstavek 6. člena se črta.

6. Protokol št. 6 se dopolni in spremeni:

- a) členi se opremijo z naslovi, naštetimi v dodatku k temu protokolu, in

- b) v 4. členu se besede »na podlagi 64. člena« nadomestijo z besedami »na podlagi 57. člena«.

7. Protokol št. 7 se dopolni in spremeni, kot sledi: a) členi se opremijo z naslovi, naštetimi v dodatku k temu protokolu, in

- b) v 4. odstavku 6. člena se besedi »63. člena« zamenjata z besedama »56. člena«; doda se novi 6. odstavek, ki se glasi:

»Vsaka država, ki je podala izjavo v skladu s prvim ali 2. odstavkom tega člena, lahko kadar koli po tem izjavi za eno ali več ozemelj, na katera se izjava nanaša, da, kar zadeva 1. do 5. člen tega protokola, sprejema pristojnost Sodišča za sprejemanje zahtev za obravnavo za posameznike, nevladne organizacije ali skupine posameznikov v skladu s 34. členom konvencije.« in

- c) 2. odstavek 7. člena se črta.

8. Protokol št. 9 se razveljavi.

3. člen

1. Ta protokol je odprt za podpis državam članicam Sveta Evrope, podpisnicam konvencije, ki lahko izrazijo svoje soglasje, da jih zavezuje:

- a) podpis brez pridržka glede ratifikacije, sprejema ali odobritve ali

- b) podpis s pridržkom ratifikacije, sprejema ali odobritve, ki mu sledi ratifikacija, sprejem ali odobritev.

2. Instrumenti ratifikacije, sprejema ali odobritve se deponirajo pri generalnem sekretarju Sveta Evrope.

4. člen

Ta protokol začne veljati prvi dan v mesecu po izteku enoletnega obdobja od datuma, ko so vse pogodbenice konvencije podale soglasje, da jih zavezuje ta protokol v skladu z določbami 3. člena. V skladu z določili tega protokola se lahko volijo novi sodniki in ukrene vse potrebno za ustanovitev novega Sodišča od datuma, ko so vse pogodbenice konvencije izrazile svoje soglasje, da jih ta protokol zavezuje.

5. člen

1. Ne glede na določila 3. in 4. odstavka tega člena, mandati sodnikov, članov Komisije, tajnika in namestnika tajnika potečejo z datumom uveljavitve tega protokola.
2. Zahteve za obravnavo, ki so v postopku pred Komisijo in ki na datum veljavnosti tega protokola še niso bile priznane kot sprejemljive, se obravnavajo na Sodišču v skladu z določili tega protokola.
3. Zahteve za obravnavo, ki so bile na datum uveljavitve tega protokola že priznane kot sprejemljive, člani Komisije še naprej obravnavajo v letu, ki sledi. Vse zadeve, katerih obravnava še ni zaključena v tem obdobju, se predajo Sodišču, ki jih obravnava v skladu z določili tega protokola kot sprejemljive zadeve.
4. Kar zadeva zahteve za obravnavo, za katere je Komisija po uveljavitvi tega protokola sprejela poročilo v skladu s prejšnjim 31. členom konvencije, se poročilo pošlje strankam, ki ga ne smejo objaviti. V skladu z določili, veljavnimi pred uveljavitvijo tega protokola, se lahko zadeva preda Sodišču. Zbor velikega senata določi, ali bo o zadevi odločal eden od senatov ali veliki senat. Če o zadevi odloča senat, je odločitev senata dokončna. Zadeve, ki niso predane Sodišču, obravnava Odbor ministrov, ki deluje v skladu z določili prejšnjega 32. člena konvencije.
5. Vse zadeve, ki so v obravnavi na Sodišču in ki na datum uveljavitve tega protokola še niso bile rešene, se predložijo velikemu senatu Sodišča, ki jih obravnava v skladu z določili tega protokola.
6. Vse zadeve, ki so v obravnavi na Odboru ministrov in ki v skladu s prejšnjim 32. členom konvencije na datum uveljavitve tega protokola še niso bile rešene, dokončno reši Odbor ministrov, ki postopa v skladu s tem členom.

6. člen

Če je visoka pogodbenica podala izjavo, s katero priznava pristojnost Komisije ali Sodišča, v skladu s prejšnjim 25. ali 46. členom konvencije, glede kasnejših zadev ali zadev, ki temeljijo na dejstvih, ki so se pojavila po taki izjavi, ta omejitev ostane v veljavi za pristojnost Sodišča v skladu s tem protokolom.

7. člen

Generalni sekretar Sveta Evrope obvesti države članice Sveta o:

- a) vsakem podpisu,
- b) deponiranju vsakega instrumenta ratifikacije, sprejema ali odobritve,
- c) datumu uveljavitve tega protokola ali katerih koli njegovih določil v skladu s 4. členom in
- d) vsakem drugem dejanju, obvestilu ali sporočilu v zvezi s tem protokolom.

V dokaz tega so podpisani, ki so bili za to pravilno pooblaščen, podpisali ta protokol.

Sestavljeno v Strasbourgu 11. 5. 1994 v angleščini in francoščini, pri čemer sta obe besedili enako verodostojni, v enem samem izvodu, ki je shranjen v arhivih Sveta Evrope. Generalni sekretar Sveta Evrope pošlje overjene kopije vsem državam članicam Sveta Evrope.

DODATEK

NASLOVI ČLENOV, KI JIH JE TREBA VKLJUČITI V BESEDILO KONVENCIJE O VARSTVU ČLOVEKOVIH PRAVIC IN TEMELJNIH SVOBOŠČIN IN NJENE PROTOKOLE

1. člen – Obveznost spoštovanja človekovih pravic
2. člen – Pravica do življenja
3. člen – Prepoved mučenja
4. člen – Prepoved suženjstva in prisilnega dela
5. člen – Pravica do svobode in varnosti
6. člen – Pravica do poštenega sojenja
7. člen – Ni kazni brez zakona
8. člen – Pravica do spoštovanja zasebnega in družinskega življenja
9. člen – Svoboda mišljenja, vesti in vere
10. člen – Svoboda govora
11. člen – Svoboda zbiranja in združevanja
12. člen – Pravica do poroke
13. člen – Pravica do učinkovitega pravnega sredstva
14. člen – Prepoved diskriminacije
15. člen -Začasna omejitev pravic v primeru izrednega stanja
16. člen – Omejitev politične dejavnosti tujcev
17. člen – Prepoved zlorabe pravic
18. člen – Omejitev uporabe restrikcij pravic
52. člen – Poizvedbe generalnega sekretarja
53. člen – Varstvo obstoječih človekovih pravic
54. člen – Pooblastila Odbora ministrov
55. člen – Izključitev drugih sredstev za reševanje sporov
56. člen – Ozemeljska veljavnost konvencije
57. člen – Pridržki
58. člen – Odpoved
59. člen – Podpis in ratifikacija

Protokol

1. člen – Varstvo lastnine

2. člen – Pravica do izobrazbe
3. člen – Pravica do svobodnih volitev
4. člen – Ozemeljska veljavnost konvencije
5. člen – Razmerja do konvencije
6. člen – Podpis in ratifikacija

Protokol št. 4

1. člen – Prepoved zaporne kazni zaradi dolgov
2. člen – Svoboda gibanja
3. člen – Prepoved izгона državljanov
4. člen – Prepoved skupinskega izгона tujcev
5. člen – Ozemeljska veljavnost konvencije
6. člen – Razmerja do konvencije
7. člen – Podpis in ratifikacija

Protokol št. 6

1. člen – Ukinitev smrtne kazni
2. člen – Smrtna kazen v vojnem času
3. člen – Prepoved začasnega prenehanja uporabe
4. člen – Prepoved pridržkov
5. člen – Ozemeljska veljavnost konvencije
6. člen – Razmerja do konvencije
7. člen – Podpis in ratifikacija
8. člen – Uveljavitev konvencije. 9. člen – Naloge depozitarja

Protokol št. 7

1. člen – Proceduralna jamstva v primeru izгона tujcev
2. člen – Pravica do pritožbe v kazenskih zadevah
3. člen – Pravica do odškodnine v primeru sodne pomote
4. člen – Pravica, da nisi dvakrat sojen ali kaznovan za isto kaznivo dejanje
5. člen – Enakost zakoncev
6. člen – Ozemeljska veljavnost konvencije
7. člen – Razmerja do konvencije

8. člen – Podpis in ratifikacija

9. člen – Uveljavitev konvencije

10. člen – Naloge depozitarja

3. člen

Republika Slovenija izjavlja, da na podlagi 25. člena Konvencije o varstvu človekovih pravic in temeljnih svoboščin, 6. člena protokola št. 4 in 7. člena protokola št. 7 za nedoločen čas priznava pristojnost Evropske komisije za človekove pravice, da obravnava pritožbe, ki jih na generalnega sekretarja Sveta Evrope naslovi katerakoli oseba, nevladna organizacija ali skupina posameznikov, ki zatrjujejo, da so žrtve kršitve pravic iz Konvencije ter njenih protokolov, če so dejstva, iz katerih izvirajo zatrjevane kršitve, nastala po začetku veljavnosti Konvencije in njenih protokolov za Republiko Slovenijo.

Republika Slovenija izjavlja, da na podlagi 46. člena Konvencije o varstvu človekovih pravic in temeljnih svoboščin, 6. člena protokola št. 4 in 7. člena protokola št. 7 za nedoločen čas, ob pogoju vzajemnosti, priznava pristojnost Sodišča za človekove pravice kot obvezno ipso facto in brez posebnega soglasja, v vseh zadevah v zvezi z razlago in uporabo te Konvencije ter njenih protokolov in ki se nanašajo na dejstva, iz katerih izvirajo zatrjevane kršitve, ki so nastala po začetku veljavnosti Konvencije in njenih protokolov za Republiko Slovenijo.

4. člen

Za izvajanje Konvencije in njenih protokolov iz 1. člena skrbita ministrstvo, pristojno za pravosodje, in ministrstvo, pristojno za zunanje zadeve.

5. člen

Ta zakon začne veljati petnajsti dan po objavi v Uradnem listu Republike Slovenije – Mednarodne pogodbe.

Št. 700-01/94-38/1

Ljubljana, dne 31. maja 1994.

Predsednik Državnega zbora Republike Slovenije mag. Herman Rigelnik l. r.