



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

RESEARCH DIVISION
DIVISION DE LA RECHERCHE

*The use of Council of Europe treaties
in the case-law of
the European Court of Human Rights*



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THE USE OF COUNCIL OF EUROPE TREATIES IN THE CASE-LAW OF THE EUROPEAN COURT OF HUMAN RIGHTS

This document, which has been prepared by the Research and Library Division of the Court, contains a table listing references that have been made in the judgments and decisions of the Court to the Council of Europe treaties up to 30 June 2011. Fifty-six treaties have been cited in the Court's case-law. The European Social Charter of 1961, revised in 1996, is the treaty that has been the most referred to.

The table covers conventions to which reference is made in any part of the Court's judgments and decisions, including the parties' submissions and dissenting opinions, as well as treaties that have been referred to only in passing or indirectly through other international instruments or decisions. Treaties which the Court itself has described as international law relevant to a particular case and/or on which it has relied in its reasoning form a majority in this list.

Council of Europe conventions and agreements opened for signature between 1949 and 2003 were published in the European Treaty Series" (ETS No. 001 to 193 included). Since 2004, this Series is continued by the Council of Europe Treaty Series (CETS No. 194 and following). The term "ECHR" ("CEDH" in French) refers to the European Convention on Human Rights.

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| ETS/ CETS | TREATY | | JUDGMENTS/ DECISIONS | ARTICLE OF THE ECHR | RELEVANT PARAGRAPHS |
|--------------|-------------------------------------|---|---|---------------------------------|--|
| 001 | STATUTE OF THE COUNCIL OF EUROPE | Opening for signature: 5/5/1949 Entry into force: 3/8/1949 Total number of ratifications/accessions: 47 | <i>Lawless v. Ireland (no. 1)</i> , 14 November 1960, dissenting opinion of Mr G. Maridakis, Series A no. 1 | Art. 44 | (DISSENTING OPINION) “ <i>The Court is a high supervisory authority set up to guarantee the European order established by the [ECHR].</i> ” |
| | | | <i>Golder v. the United Kingdom</i> , 21 February 1975, §§ 34-35, Series A no. 18 | Art. 6 | (LAW) The Court relies on the Statute’s provisions concerning the rule of law to interpret Article 6 § 1 as entailing the right of access to the courts in civil matters. |
| | | | <i>X. c. Autriche (déc.)</i> , n° 3374/67, 6 février 1969 | Art. 6 § 1 | (EN DROIT) Référence à l’article 40 du Statut sur les immunités et privilèges des membres de l’Assemblée parlementaire du Conseil de l’Europe. |
| | | | <i>Sutter v. Switzerland</i> , 22 February 1984, supplementary observations of Judge Ganshof Van Der Meersch in support of his dissenting opinion, Series A no. 74 | Art. 6 | (DISSENTING OPINION) “ <i>To interpret restrictively a right guaranteed by the [ECHR] is not consonant with the latter’s object and purpose as they are indicated in the preamble both to the Convention itself and to the Statute of the Council of Europe, the organisation within which the [ECHR] was conceived and concluded.</i> ” |
| | | | <i>Stran Greek Refineries and Stratis Andreadis v. Greece</i> , 9 December 1994, § 46, Series A no. 301-B | Art. 6 | (LAW) The Court relies on the Statute’s provisions concerning the rule of law to interpret Article 6 § 1 as entailing the right of access to the courts in civil matters. |
| | | | <i>T. v. the United Kingdom [GC]</i> , no. 24724/94, § 47, 16 December 1999 | Art. 6 | (FACTS) Cited in Recommendation n° R (87) 20 adopted by the Committee of Ministers on 17 September 1987. See also: <i>V. v. the United Kingdom [GC]</i> , no. 24888/94, § 49, ECHR 1999-IX. |
| | | | <i>Bosphorus Hava Yolları Turizm ve Ticaret Anonim Şirketi v. Ireland [GC]</i> , no. 45036/98, ECHR 2005-VI | Art. 1 | (LAW) In the arguments of the Government: “ <i>The [ECHR] should be interpreted where possible so as to allow States to comply with international obligations.</i> ” |
| | | | <i>A. v. the United Kingdom (dec.)</i> , no. 35373/97, 5 March 2002 | Art. 6 § 1 Art. 8 Art. 14 | (FACTS) Article 40 of the Statute cited as relevant international law. See also: <i>A. v. the United Kingdom</i> , no. 35373/97, § 33, ECHR 2002-X; <i>Zollmann v. the United Kingdom (dec.)</i> , no. 62902/00, ECHR 2003-XII |
| | | | <i>Lalik v. Slovakia (dec.)</i> , no. 66073/01, § 3, 18 June 2002 | Art. 53 | (FACTS & LAW) The applicant complained that the suspension of the adjustment of his pay amounts has violated |

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| | | | | <p>article 53 of the ECHR and Article 3 of the Statute. However, the Court did not found any appearance of violation of the ECHR. See also: <i>Harabin v. Slovakia</i> (dec.), no. 62584/00, § 4, 9 July 2002.</p> |
| | | | <i>Lyons v. the United Kingdom</i> (dec.), no. 15227/03, ECHR 2003-IX | <p>Art. 46 (FACTS) Cited in Recommendation No. R (2000) 2 adopted by the Committee of Minister on 19 January 2000.</p> |
| | | | <i>G.B. v. Bulgaria</i> , no. 42346/98, § 15, 11 March 2004 | <p>Art. 3 (FACTS) Bulgaria has impliedly undertaken to abolish the death penalty when it ratified the Statute (compliance with Article 3 of the Statute). See also: <i>Iorgov v. Bulgaria</i>, no. 40653/98, § 16, 11 March 2004</p> |
| | | | <i>Ramirez Sanchez c. France</i> , [GC], no. 59450/00, § 85, CEDH 2006-IX | <p>Art. 3 (EN FAIT) Mentionné dans la Recommandation No. R (2006) 2 du Comité des ministres aux Etats Membres sur les règles pénitentiaires européennes adoptée le 11 janvier 2006.</p> |
| | | | <i>Hutten-Czapska v. Poland</i> [GC], no. 35014/97, partly dissenting opinion of Judge Zagrebelsky, ECHR 2006-VIII | <p>Art. 46 (DISSENTING OPINION) “[T]he Committee of Ministers’ well-established practice of indicating general measures to governments and asking them to implement them in order to prevent further violations is usually justified on the basis of Article 46 rather than by the Committee of Ministers’ general obligations (under Articles 3, 8 and 15 of the Statute of the Council of Europe) ...”</p> |
| | | | <i>Markovic and Others v. Italy</i> [GC], no. 1398/03, § 84, ECHR 2006-XIV | <p>Art. 6 § 1 (LAW) In the arguments of the Government: “[T]he underlying explanation for Article 6 of the [ECHR] was to be found in the principle of the rule of law enunciated in Article 3 of the Statute of the Council of Europe.”</p> |
| | | | <i>Bartik v. Russia</i> , no. 55565/00, § 50, ECHR 2006-XV | <p>Art. 2-P4 (LAW) “The repeal of restrictions on international travel for private purposes was regarded as a necessary condition for membership of the Council of Europe.”</p> |
| | | | <i>Behrami and Behrami v. France & Saramati v. France, Germany and Norway</i> (dec.), nos. 71412/01 and 78166/01, § 111, 2 May 2007 | <p>Art. 2 (LAW) In the submission of the Polish Government: The liability of States participating in peace-keeping and democracy building missions would run counter the value of the Charter.</p> |
| | | | <i>Svyato-Mykhaylivska Parafiya v. Ukraine</i> , no. 77703/01, § 85, 14 June 2007 | <p>Art. 6 § 1 (FACTS) Article 4 cited in the Opinion No. 190 (1995) on the application by Ukraine for membership of the Council of Europe.</p> |

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| | | <i>Lelièvre c. Belgique</i> , n° 11287/03, § 104, 8 novembre 2007 | Art. 5 § 3 | (EN DROIT) La Cour se réfère à la prééminence du droit telle que mentionnée dans le Statut pour interpréter l'article 5 § 3. |
| | | <i>D.H. and Others v. the Czech Republic</i> [GC], no. 57325/00, § 54, ECHR 2007-IV | Art. 3 Art. 6 § 1 | (FACTS) Article 15 b. cited in Recommendation No. R (2000) 4 of the Committee of Ministers to member states on the education of Roma/Gypsy children in Europe. |
| | | <i>Kafkaris v. Cyprus</i> [GC], no. 21906/04, § 72, 12 February 2008 | Art. 3 Art. 5 | (FACTS) Article 15 b. cited in Recommendation No. Rec(2003)22 on condition release adopted by the Committee of Ministers on 24 September 2003. |
| | | <i>Hutten-Czapska v. Poland</i> (friendly settlement) [GC], no. 35014/97, concurring opinion of Judge Ziemele, 28 April 2008 | Art. 46 | (CONCURRING OPINION) “[I]mportant elements of State consent are present allowing the Court to take this direction, not least because the invitation to the Court to identify an underlying systemic problem and its source passed through the procedure adopted in the Committee of Ministers for important matters (see Article 15 (b) and Article 20 (a) of the Statute of the Council of Europe).” |
| | | <i>Kart c. Turquie</i> , n° 8917/05, § 34, 8 juillet 2008 | Art. 6 § 1 | (EN FAIT) Référence à l'article 40 du Statut sur les immunités et privilèges des membres de l'Assemblée parlementaire du Conseil de l'Europe. |
| | | <i>Renolde v. France</i> , no. 5608/05, § 65, 16 October 2008 | Art. 2 Art. 3 | (FACTS) Article 15 b. cited in Recommendation No. Rec(2006)2 on the European Prison Rules adopted by the Committee of Ministers on 11 January 2006. |
| | | <i>Ślawomir Musiał v. Poland</i> , no. 28300/06, § 63, 20 January 2009 | Art. 3 Art. 8 | (FACTS) Article 15 b. cited in Recommendation No. Rec(2006)2 on the European Prison Rules adopted by the Committee of Ministers on 11 January 2006. |
| | | <i>Bijelić v. Montenegro and Serbia</i> , no. 11890/05, §§ 57 and 67, 28 April 2009 | Art. 6 § 1 Art. 8 Art. 1-P1 | (FACTS & LAW) The Court notes at the outset that the Committee of Ministers has the power under Articles 4 and 16 of the Statute of the Council of Europe to invite a State to join the organisation as well as to decide “all matters relating to [the Council’s] internal organisation and arrangements”. |
| | | <i>Verein Gegen Tierfabriken Schweiz (VgT) v. Switzerland</i> (no. 2), no. 32772/02, § 33, 30 June 2009 | Art. 10 | (FACTS) Article 15 b. cited in Recommendation No. R (2000) 2 on the re-examination or reopening of certain cases at domestic level following judgments of the European Court of Human Rights by the Committee of Ministers on 19 January 2000. |
| | | <i>Manole and Others v. Moldova</i> , no. 13936/02, § 52, 17 September 2009 | Art. 10 | (FACTS) Article 15 b. cited in Recommendation No. R(96)10, on “The Guarantee of the Independence of Public Service Broadcasting” by the Committee of Ministers. |

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| | | | <i>Enea v. Italy</i> , no. 74912/01, § 48, 17 September 2009 | Art. 3 Art. 6 § 1 Art. 8 Art. 9 Art. 13 | (FACTS) Article 15 b. cited in Recommendation No. Rec(2006)2 on the European Prison Rules adopted by the Committee of Ministers on 11 January 2006. |
| | | | <i>Kart v. Turkey</i> , no. 8917/05, §38, 3 December 2009 | Art. 6 § 1 | (FACTS) Article 40 cited as relevant international law. |
| | | | <i>Oršuš and Others v. Croatia</i> , no. 15766/03, § 77, 16 March 2010 | Art. 6 § 1 Art. 14 | (FACTS) Article 15 b. cited in Recommendation No. R (2000) 4 of the Committee of Ministers to member states on the education of Roma/Gypsy children in Europe (adopted by the Committee of Ministers on 3 February 2000). |
| | | | <i>Laska and Lika v. Albania</i> , nos. 12315/04 and 17605/04, § 33, 20 April 2010 | Art. 3 Art. 6 § 1 | (FACTS) Article 15 b. cited in Recommendation No. R (2000) 2 on the re-examination or reopening of certain cases at domestic level following judgments of the European Court of Human Rights by the Committee of Ministers on 19 January 2000. |
| | | | <i>Maria Atanasiu and Others v. Romania</i> , nos. 30767/05 and 33800/06, §§ 81-82, 12 October 2010 | Art. 6 § 1 Art. 46 Art. 1-P1 | (FACTS) Article 15 b. cited in Resolution Res(2004)3 on judgments revealing an underlying systemic problem, adopted on 12 May 2004 and Rec(2004)6 on the improvement of domestic remedies, adopted on 12 May 2004 by the Committee of Ministers. |
| | | | <i>Dowsett v. the United Kingdom</i> (dec.), no. 8559/08, 4 January 2011 | Art. 6 Art. 13 Art. 34 | (FACTS) Article 15 b. cited in Recommendation No. R (2000) 2 on the re-examination or reopening of certain cases at domestic level following judgments of the European Court of Human Rights by the Committee of Ministers on 19 January 2000. |
| 002 | GENERAL AGREEMENT ON PRIVILEGES AND IMMUNITIES OF THE COUNCIL OF EUROPE | Opening for signature: 2/9/1949 Entry into force: 10/9/1952 Total number of ratifications/accessions: 47 | <i>A. v. the United Kingdom</i> (dec.), n° 35373/97, 5 March 2002 | Art. 6 § 1 | (FACTS) Admissibility decision takes note of provisions relating to privilege. |
| | | | <i>A. v. the United Kingdom</i> , no. 35373/97, § 78, ECHR 2002-X | Art. 6 § 1 | (FACTS & LAW) The Court refers to the “ <i>measures taken by signatory States which reflected generally recognised rules of public international law on State immunity could not in principle be regarded as imposing a disproportionate restriction</i> ”. |
| | | | <i>Zollmann v. the United Kingdom</i> (dec.), no. 62902/00, ECHR 2003-XII | Art. 6 § 1 Art. 6 § 2 | (FACTS) Admissibility decision takes note of provisions relating to privilege. |
| | | | <i>Kart c. Turquie</i> , n° 8917/05, § 35, 8 juillet 2008 | Art. 6 § 1 | (EN FAIT) Référence aux articles 14 et 15 de l’Accord général sur les privilèges et immunités du Conseil de l’Europe. |

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| | | | <i>Kart v. Turkey</i> [GC], no. 8917/05, § 39, 3 December 2009 | Art. 6 § 1 | (FACTS) Article 14 and 15 cited as relevant international law. |
| 010 | PROTOCOL TO THE GENERAL AGREEMENT ON PRIVILEGES AND IMMUNITIES OF THE COUNCIL OF EUROPE | Opening for signature: 6/11/1952 Entry into force: 11/7/1956 Total number of ratifications/accessions: 47 | Same as for the GENERAL AGREEMENT ON PRIVILEGES AND IMMUNITIES OF THE COUNCIL OF EUROPE (ETS no. 02) | | |
| | | | <i>Kart v. Turkey</i> [GC], no. 8917/05, § 40, 3 December 2009 | Art. 6 § 1 | (FACTS) Article 3 and 5 cited as relevant international law. |
| 014 | EUROPEAN CONVENTION ON SOCIAL AND MEDICAL ASSISTANCE | Opening for signature: 11/12/1953 Entry into force: 1/7/1954 Total number of ratifications/accessions: 18 | <i>Stec and Others v. the United Kingdom</i> (dec.) [GC], nos. 65731/01 and 65900/01, § 25, ECHR 2005-X | Art. 14 Art. 1-P1 | (FACTS) Cited in Article 13 §4 of the European Social Charter 1961. |
| | | | <i>Bolat v. Russia</i> , no. 14139/03, § 52, ECHR 2006-XI | Art. 2-P4 Art. 1-P7 | (FACTS) Cited in the Explanatory Report to Protocol No. 7 (ETS N°117) as a definition of the notion of “lawful residence”. |
| | | | <i>Nolan and K. v. Russia</i> , no. 2512/04, § 49, 12 February 2009 | Art. 5 Art. 8 Art. 9 Art. 14 Art. 38 Art. 1-P7 | (FACTS) Article 11 of this convention cited in the Explanatory Report to Protocol No. 7 as a definition of the notion of “lawful residence”. |
| | | | <i>Shchukin and Others v. Cyprus</i> , no. 14030/03, § 76, 29 July 2010 | Art. 3 Art. 5 Art. 1-P1 Art. 3-P4 Art. 1-P7 | (FACTS) Article 11 of this convention cited in the Explanatory Report to Protocol No. 7 as a definition of the notion of “lawful residence”. |
| 018 | EUROPEAN CULTURAL CONVENTION | Opening for signature: 19/12/1954 Entry into force: 5/5/1955 Total number of ratifications/accessions: 50 | <i>Leyla Şahin v. Turkey</i> [GC], no. 44774/98, § 69, ECHR 2005-XI | Art.2-P1 | (FACTS) Cited in Article 2 of Recommendation no. 1353 (1998) on the Access of Minorities to Higher Education. |
| 019 | EUROPEAN CONVENTION ON ESTABLISHMENT | Opening for signature: 13/12/1955 Entry into force: 23/2/1965 Total number of ratifications/accessions: 12 Total number of signatures not followed by ratifications: 3 | <i>Golder v. the United Kingdom</i> , 21 February 1975, separate opinion of Judge Zekia, Series A no. 18 | Art. 6 § 1 | (SEPARATE OPINION) To support the view that “ <i>when right of access to courts was intended to be incorporated in a treaty, this was done in express terms</i> ”. |
| | | | <i>Bolat v. Russia</i> , no. 14139/03, § 52, ECHR 2006-XI | Art. 2-P4 Art. 1-P7 | (FACTS) Cited in the Explanatory Report to Protocol No. 7 (ETS no. 117) as a definition of the notion of “lawful residence”. |

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| | | | <i>Nolan and K. v. Russia</i> , no. 2512/04, § 49, 12 February 2009 | Art. 5 Art. 8 Art. 9 Art. 14 Art. 38 Art. 1-P7 | (FACTS) Section II of the Protocol to this convention cited in the Explanatory Report to Protocol No. 7 as a definition of the notion of “lawful residence”. |
| | | | <i>Shchukin and Others v. Cyprus</i> , no. 14030/03, § 76, 29 July 2010 | Art. 3 Art. 5 Art. 1-P1 Art. 3-P4 Art. 1-P7 | (FACTS) Section II of the Protocol to this convention cited in the Explanatory Report to Protocol No. 7 as a definition of the notion of “lawful residence”. |
| 023 | EUROPEAN CONVENTION FOR THE PEACEFUL SETTLEMENT OF DISPUTES | Opening for signature: 29/4/1957 Entry into force: 30/4/1958 Total number of ratifications/accessions: 14 Total number of signatures not followed by ratifications: 5 | <i>Blečić v. Croatia</i> [GC], no. 59532/00, § 47, ECHR 2006-III | Art. 35 | (FACTS) Cited in the ICJ case concerning <i>Certain Property (Liechtenstein v. Germany)</i> . |
| 024 | EUROPEAN CONVENTION ON EXTRADITION | Opening for signature: 13/12/1957 Entry into force: 18/4/1960 Total number of ratifications/accessions: 49 | <i>Amekrane et autres c. Royaume-Uni</i> (déc.), n° 5961/72, § 18, 11 octobre 1973 | Art. 3 | (ARGUMENTATION DES PARTIES) Selon le Gouvernement, « [l]orsque les Etats concluent des accords qui excluent l’extradition pour les délits politiques, il n’est pas inhabituel d’excepter des “délits politiques”, l’assassinat ou la tentative d’assassinat d’un chef d’Etat. Cette exception est reconnue à l’article 3 de la Convention européenne d’extradition. » |
| | | | <i>X. v. the Netherlands</i> (dec.), no. 7512/76, 6 July 1976 | Art. 7 | (FACTS & LAW) “In relation to extradition property so called, the Commission is not required to examine its legality according to the law of the Netherlands or the European Convention on Extradition.” |
| | | | <i>Lynas v. Switzerland</i> (dec.), no. 7317/75, 6 July 1976 | Art. 5 | (FACTS & LAW) “Moreover the Commission notes by way of example that the European Convention on Extradition elaborated within the Council of Europe in no way obliges the authorities of the requested State to authorise the production before them of evidence of facts relating to the substance of the charge or the criminal prosecution.” |
| | | | <i>X. v. Switserland</i> (dec.), no. 9012/80, 9 December 1980 | Art. 3 Art. 5 Art. 8 | (FACTS) Taken into account in the decisions of the domestic courts. See also: <i>G. v. Germany</i> (dec.), no. 11797/85, 13 October |

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| | | | | 1986; <i>Gezici v. Switzerland</i> (dec.), no. 17518/90, 7 March 1991; <i>Quinn v. France</i> , 22 March 1995, § 48, Series A no. 311; <i>Schrieder v. Denmark</i> (dec.), no. 32085/96, 6 April 2000; <i>Aronica v. Germany</i> (dec.), no. 72032/01, 18 April 2002; <i>Van Thuil v. the Netherlands</i> (dec.), no. 72370/01, 25 November 2004; <i>Novik v. Ukraine</i> (dec.), no. 48068/06, 13 March 2007; <i>Ryabikin v. Russia</i> (dec.), no. 8320/04, 10 April 2007; <i>Nasrulloev v. Russia</i> , no. 656/06, § 50, 11 October 2007 |
| | | <i>Altun v. Germany</i> (dec.), no. 10308/83, § 7, 3 May 1983 | Art. 3 | (FACTS & LAW) Difference between the ECHR and this convention: “[T]he rule laid down for example in Article 3 of the European Convention on Extradition, whereby extradition may be refused for a political offence, is not included in the [ECHR] whose compliance the Commission must ensure.” |
| | | <i>France, Norway, Denmark, Sweden, Netherlands v. Turkey</i> (dec.), nos. 9940/82 et al., p. 156, 6 December 1983 | Art. 3 Art. 5 Art. 6 | (FACTS) In the submission of the parties. See also: <i>E.M. Kirkwood v. the United Kingdom</i> (dec.), no. 10479/83, 12 March 1984; <i>Gordyeyev v. Poland</i> (dec.), nos. 43369/98 and 51777/99, 3 May 2005 |
| | | <i>Bozano v. Switzerland</i> (dec.), no. 9009/80, p. 70, 12 July 1984 | Art. 5 Art. 18 | (FACTS & LAW) The Court notes that the Swiss authorities were bound by this convention and that there was no misuse of power and thus no breach of the ECHR. |
| | | <i>A. c. Suisse</i> (déc.), no. 11933/86, 14 avril 1986 | Art. 3 | (EN FAIT & EN DROIT) La Commission a rappelé que « la règle énoncée, par exemple, à l'article 3 de la Convention européenne d'extradition, permettant de refuser l'extradition pour un délit politique, n'est pas reprise par la [CEDH] dont le respect doit être assuré par la Commission ». |
| | | <i>Soering v. the United Kingdom</i> , 7 July 1989, § 86, Series A no. 161 | Art. 3 | (LAW) The Court states that the existence of more detailed treaties on extradition cannot absolve states from their potential responsibility under Article 3. |
| | | <i>Tappe c. France</i> (déc.), no. 19479/92, 13 octobre 1993 | Art. 5 § 1 | (EN FAIT & EN DROIT) La Cour a conclu que la détention du requérant avait eu lieu selon les voies légales, c'est-à-dire en accord avec les stipulations de la Convention européenne d'extradition, laquelle faisait partie intégrante du droit français. |
| | | <i>Venezia c. Italie</i> (déc.), no. 29966/96, 1 ^{er} octobre 1996 | Art. 3 | (MOTIFS DE LA DÉCISION) Comparaison faite par le Gouvernement entre cette convention et un traité d'extradition entre l'Italie et les Etats-Unis. |

THE USE OF COUNCIL OF EUROPE TREATIES IN THE CASE-LAW OF THE EUROPEAN COURT OF HUMAN RIGHTS

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| | | <i>Mc Donald and Others v. Slovakia</i> (dec.), no. 72812/01, 16 November 2004 | Art. 4 Art. 5 | (LAW & COMPLAINTS) Cited as relevant international law. |
| | | <i>Svetlorusov c. Ukraine</i> (déc.), no. 2929/05, 31 mai 2005 | Art. 3 Art. 5 Art. 6 | (EN FAIT) Articles 1 et 16 cités en tant que droit international pertinent. |
| | | <i>Shamayev and Others v. Georgia and Russia</i> , no. 36378/02, § 266, ECHR 2005-III | Art. 2 Art. 3 | (FACTS) Cited as relevant international law. |
| | | <i>Ceku v. Germany</i> (dec.), no. 41559/06, 13 March 2007 | Art. 18 | (FACTS & LAW) Cited as relevant international law. |
| | | <i>Nasrulloev v. Russia</i> , no. 656/06, § 50, 11 October 2007 | Art. 3 Art. 18 | (FACTS) Article 16 cited as relevant international law. See also: <i>Ismoilov and Others v. Russia</i> , no. 2947/06, § 81, 24 April 2008 |
| | | <i>Shchebet v. Russia</i> , no. 16074/07, §§ 67-68, 12 June 2008 | Art. 5 | (FACTS & LAW) The Court uses this convention's provisions to define the extent of the Member State's obligations. |
| | | <i>Khudyakova v. Russia</i> , no. 13476/04, §§ 35 and 64-65, 8 January 2009 | Art. 5 § 1 Art. 5 § 4 | (FACTS & LAW) The Court uses Article 16 of this convention to explain the requirement of provisional arrest and detention. |
| | | <i>Garkavyi v. Ukraine</i> , no. 25978/07, §§ 38-39 and 70, 18 February 2010 | Art. 5 § 1 Art. 6 | (FACTS & LAW) The Court notes this convention as relevant international law. See also decision on the admissibility of this case (17 February 2009). |
| | | <i>Eminbeyli v. Russia</i> , no. 42443/02, §§ 26 and 46, 26 February 2009 | Art. 5 § 1 Art. 5 § 2 Art. 5 § 4 | (FACTS & LAW) "The Court reiterates that for the detention to meet the standard of "lawfulness", it must have a basis in domestic law by support from Article 16 § 1 of the European Convention on Extradition." |
| | | <i>Stephens v. Malta (no. 1)</i> , no. 11956/07, §§ 33, 51 and 57, 21 April 2009 | Art. 5 § 1 Art. 5 § 4 Art. 7 Art. 13 | (FACTS & LAW) The court uses this convention's provisions to assess the Member State's measures and purposes of extradition. |
| | | <i>Baysakov and Others v. Ukraine</i> , no. 54131/08, §§ 19 and 69, 8 February 2010 | Art. 13 | (FACTS & LAW) Article 1 and 3 of this convention cited as relevant international law and used in Submissions by the Government. |
| | | <i>Kamyshv v. Ukraine</i> , no. 3990/06, §§ 27 and 56, 20 May 2010 | Art. 3 Art. 14 | (FACTS & LAW) This convention cited as relevant international law and used in submissions by the applicant. |

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| | | | <i>Yuldashev v. Russia</i> , no. 1248/09, § 53, 8 July 2010 | Art. 3 Art. 5 § 1 Art. 5 § 4 | (FACTS) Article 16 cited as relevant international law. |
| | | | <i>Abdulazhon Isakov v. Russia</i> , no. 14049/08, § 69, 8 July 2010 | Art. 3 Art. 5 § 1 Art. 5 § 4 Art. 13 | (FACTS) Article 16 cited as relevant international law. |
| | | | <i>Karimov v. Russia</i> , no. 54219/08, § 59, 29 July 2010 | Art. 3 Art. 5 § 1 Art. 5 § 4 Art. 13 | (FACTS) Article 16 cited as relevant international law. |
| | | | <i>Siltanov v. Russia</i> , no. 15303/09, §41, 4 November 2010 | Art. 3 Art. 5 § 1 Art. 5 § 4 | (FACTS) Article 16 cited as relevant international law. |
| 025 | EUROPEAN AGREEMENT ON REGULATIONS GOVERNING THE MOVEMENT OF PERSONS BETWEEN MEMBER STATES OF THE COUNCIL OF EUROPE | Opening for signature: 13/12/1957 Entry into force: 1/1/1958 Total number of ratifications/accessions: 16 Total number of signatures not followed by ratifications: 2 | <i>Reyntjens v. Belgium</i> (dec.), n°16810/90, 9 September 1992 | Art. 8 § 1 | (FACTS) Cited by the Antwerp Criminal Court as a basis to the new royal decree on identity cards. |
| 030 | EUROPEAN CONVENTION ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS | Opening for signature: 20/4/1959 Entry into force: 12/6/1962 Total number of ratifications/accessions: 49 Total number of signatures not followed by ratifications: 1 | <i>X. v. Austria</i> (dec.), no. 4428/70, 1 June 1972 | Art. 6 | (FACTS & LAW) Member State's reservations to this convention. See also: <i>S. v. Germany</i> (dec.), no. 8945/80, § 12, 13 December 1983. |
| | | | <i>X., Y. and Z. v. Austria</i> (dec.), no. 5049/71, 5 February 1973 | Art. 6 § 3 | (FACTS) In the submission of the Government. |
| | | | <i>Schenk v. Switzerland</i> (dec.), no. 10862/84, § 11, 6 March 1986 | Art. 6 | (FACTS) Taken into account in the decisions of the domestic courts or national authorities. See also: <i>Hauschildt v. Denmark</i> (dec.), no. 10486/83, 9 October 1986; <i>Schenk v. Switzerland</i> , no. 10862/84, § 28, 12 July 1988; <i>S. v. Austria</i> (dec.), no. 12592/86, 6 March 1989; <i>Einarsson v. Iceland</i> (dec.), no. 22596/93, 5 April 1995; <i>Köksal v. the Netherlands</i> (dec.), no. 31725/96, 19 September 2000; <i>Mamatkulov and Abdurasulovic v. Turkey</i> , nos. 46827/99 and 46951/99, § 15, 6 February |

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| | | | | 2003; <i>Frederiksen v. Denmark</i> (dec.), no. 23012/02, 16 September 2004; <i>Mamatkulov and Askarov v. Turkey</i> [GC], nos. 46827/99 and 46951/99, § 14, ECHR 2005-I; <i>Gongadze v. Ukraine</i> (dec.), no. 34056/02, 22 March 2005; <i>Gongadze v. Ukraine</i> , no. 34056/02, § 32, ECHR 2005-XI (LAW) In the submission of the applicant. |
| | | <i>C. v. Italy</i> (dec.), no. 10889/84, 11 May 1988 | Art. 6 § 3 | |
| | | <i>Calabro v. Italy and Germany</i> (dec.), no. 59895/00, § 1, ECHR 2002-V | Art. 6 § 3 | (FACTS & LAW) “[T]he Court reiterates that it has no jurisdiction to ensure compliance with instruments other than the European Convention on Human Rights and its Protocols.” |
| | | <i>Somogyi v. Italy</i> , no. 67972/01, §§ 51-52 and 59-62, ECHR 2004-IV | Art. 6 | (LAW) “However, the Court does not consider it necessary to examine those questions. It observes that it is competent to apply only the European Convention on Human Rights, and that it is not its task to interpret or review compliance with other international conventions as such (see <i>Di Giovine v. Portugal</i> (dec.), no. 39912/98, 31 August 1999, and <i>Hermida Paz v. Spain</i> (dec.), no. 4160/02, 28 January 2003; see also <i>Di Lazzaro v. Italy</i> , no. 31924/96, Commission decision of 10 July 1997, <i>Decisions and Reports 90-B</i> , p. 134 at p. 139).” |
| | | <i>Shamayev and Others v. Georgia and Russia</i> , no. 36378/02, dissenting opinion of Judge Kovler, ECHR 2005-III | Art. 41 | (DISSENTING OPINION) “Finally, with regard to the sums awarded to the applicants in respect of alleged non-pecuniary damage, I wish to point out that the two respondent Governments acted in accordance with the provisions of ... the European Convention on Mutual Assistance in Criminal Matters (1959) ...” |
| | | <i>Rantsev v. Cyprus and Russia</i> , no. 25965/04, §§ 48, 175-178 and 241, 7 January 2010 | Art. 2 | (FACTS & LAW) “The Court observes that both Cyprus and Russia are parties to the Mutual Assistance Convention and have, in addition, concluded the bilateral Legal Assistance Treaty (see paragraphs 175 to 185 above).” |
| | | <i>Adamov v. Switzerland</i> , no. 3052/06, §§ 31, 64-68 and joint dissenting opinion of Judges Tulkens, Sajó and Pinto de Albuquerque, 21 June 2011 | Art. 5 § 1 | (FACTS & LAW & DISSENTING OPINION) Examination of the lawfulness of the applicant’s arrest in the light of Article 12 of this convention (immunity of witnesses). |

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| 035 | EUROPEAN SOCIAL CHARTER | Opening for signature: 18/10/1961 Entry into force: 26/2/1965 Total number of ratifications/accessions: 27 Total number of signatures not followed by ratifications: 5 | <i>Case “relating to certain aspects of the laws on the use of languages in education in Belgium” v. Belgium</i> (merits), 23 July 1968, Series A no. 6 | Art. 8 Art. 14 Art. 2-P1 | (LAW) In the arguments of the Government: “According to the Belgian Government the [ECHR] and the Protocol (P1) are inspired on the whole by the classic conception of freedoms, in contrast to rights, differing in this respect from the Universal Declaration of Human Rights and from the European Social Charter.” |
| | | | <i>S.L. v. Sweden</i> (dec.), no. 4475/70, 24 May 1971 | Art. 11 | (SUBMISSION OF THE PARTIES) In the arguments of the Government: “These rules do not however, affect the relations between the parties on the labour market.” |
| | | | <i>Mrs. X. v. the Netherlands</i> (dec.), no. 5763/72, 18 December 1973 | Art. 14 Art. 1-P1 | (COMPLAINTS) In the arguments of the applicant. See also: <i>A. v. the Netherlands</i> (dec.), no. 11733/85, 9 May 1986. |
| | | | <i>Young, James and Webster v. the United Kingdom</i> , 13 August 1981, dissenting opinion of Judge Sørensen, joined by Judges Thór Vilhjálmsson and Lagergren, Series A no. 44 | Art. 11 | (DISSENTING OPINION) The Charter as evidence that “the States Parties to the [ECHR] could not agree to assume any international obligation [under Article 11], but found that it should be subject to national regulation only”. |
| | | | <i>E. c. Suède</i> (déc.), no. 11326/85, 13 mai 1986 | Art. 14 | (GRIEFS) La requérante soutenait qu’en appliquant la CEDH il convenait de tenir compte de la Charte. Voir également : <i>M. c. Suède</i> (déc.), no. 11327/85, 13 mai 1986. |
| | | | <i>Council of Civil Service Unions and Others v. the United Kingdom</i> (dec.), no. 11603/85, 20 January 1987 | Art. 11 | (LAW) The Charter as evidence that there is a right of members of the administration of the State to belong to a trade union. |
| | | | <i>Smith v. the United Kingdom</i> (dec.), no. 14455/88, 4 September 1991 | Art. 8 | (LAW) In the arguments of the Government. |
| | | | <i>Sibson v. the United Kingdom</i> , 20 April 1993, dissenting opinion of Judge Morenilla, joined by Judge Russo, Series A no. 258-A | Art. 11 | (DISSENTING OPINION) The Charter as evidence that the right to join an organisation also implies the right not to join. |
| | | | <i>Sigurður A. Sigurjónsson v. Iceland</i> , 30 June 1993, § 35 and dissenting opinion of Judge Martens, Series A no. 264 | Art. 11 | (LAW) The Charter as evidence that “every employer and every worker shall have the freedom to join or not to join professional organisations or trade unions without any personal or occupational damage being thereby suffered by them.” |

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| | | | | (DISSENTING OPINION) The situation is being examined by the institutions set up under the Charter and it is not for the Court to take sides in the debate. |
| | | <i>Gustafsson v. Sweden</i> , no. 15573/89, § 53 and dissenting opinion of Judge Martens, joined by Judge Matscher, <i>Reports of Judgments and Decisions</i> 1996-II | Art. 11 | (LAW) The Charter as evidence of “ <i>the legitimate character of collective bargaining</i> ”. (DISSENTING OPINION) The Charter as evidence that “ <i>the right to bargain collectively is, if not an objective of, then at any rate a corollary of both the positive freedom of association of trade unions and its necessary derivative, the freedom of the unions to protect their occupational interests by collective action.</i> ” See also: <i>Gustafsson v. Sweden</i> (revision), no. 28910/95, <i>Reports of Judgments and Decisions</i> 1998-V. |
| | | <i>Handwerker v. Germany</i> (dec.), no. 28610/95, 4 September 1996 | Art. 2 Art. 5 Art. 14 | (COMPLAINTS & LAW) “ <i>Insofar the applicant relies on provisions of the European Social Charter, the Commission recalls that under Article 19 of the [ECHR] it is only competent to ensure the observance of the engagements undertaken by the High Contracting Parties in the present Convention.</i> ” See also: <i>Kucherenko v. Ukraine</i> , no. 27347/02, § 28, 15 December 2005; <i>Vladimir and Valentina Rudenko v. Ukraine</i> , no. 19441/03, § 18, 12 July 2007; <i>Sheidl v. Ukraine</i> (dec.), no. 3460/03, 25 March 2008 |
| | | <i>Botta v. Italy</i> , 24 February 1998, § 28, <i>Reports</i> 1998-I | Art. 8 | (LAW) The Charter as evidence that the right protected requires “ <i>more flexible protection machinery</i> ”. |
| | | <i>The National Association of Teachers in Further and Higher Education v. the United Kingdom</i> (dec.), no. 28910/95, 16 April 1998 | Art. 11 | (LAW) The Commission notes that the Committee of Independent Experts of the European Social Charter is considering the domestic provisions (Art. 5 of the Charter). |
| | | <i>Dev Maden Sen c. Turquie</i> (déc.), n° 32980/96, 9 décembre 1999 | Art. 11 Art. 17 | (EN FAIT, GRIEFS & EN DROIT) La Cour a rappelé que le droit à la négociation collective était reconnu par plusieurs instruments internationaux, en particulier l’article 6 de la Charte sociale européenne. |
| | | <i>Zielinski and Pradal and Gonzalez and Others v. France</i> [GC], nos. 24846/94 et al., § 60, ECHR 1999-VII | Art. 6 § 1 | (LAW) “ <i>At all events, the French system, with its bodies that manage a public service and have special governmental powers and are subject to ministerial supervisory authorities, is an illustration of the special role and the duties of the member States of the Council of Europe – as</i> |

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| | | | | <i>may result from the European Social Charter – in relation to the social welfare of their peoples.”</i> |
| | | <i>Javinský v. Slovakia</i> (dec.), no. 33088/96 et al., § 7, 7 September 2000 | Art. 3 Art. 6 § 1 Art. 8 Art. 11 Art. 13 Art. 14 | (COMPLAINTS & LAW) The applicant invokes a violation of Article 1 of the Charter. The Court “ <i>recalls that the [ECHR] does not guarantee, as such, the right to work, to social security or to protection of a person’s health. These complaints are therefore incompatible ratione materiae with the [ECHR] within the meaning of Article 35 § 3.</i> ” |
| | | <i>Wessels-Bergervoet v. the Netherlands</i> (dec.), no. 34462/97, 3 October 2000 | Art. 14 Art. 1-P1 | (LAW) In the arguments of the applicant: “ <i>even in 1957 the principle of equality and the resulting prohibition of discrimination was a general principle of both national and international law</i> ”. See also: <i>Wessels-Bergervoet v. the Netherlands</i> , no. 34462/97, § 45, ECHR 2002-IV. |
| | | <i>Zehnalová and Zehnal v. the Czech Republic</i> (dec.), no. 38621/97, ECHR 2002-V | Art. 8 | (FACTS & LAW) The Applicant relies on Article 12 and 13 of the Charter. The Court states that it is not within its task “ <i>to review governments’ compliance with instruments other than the European Convention on Human Rights and its Protocols, even if, like other international treaties, the European Social Charter (which, like the [ECHR] itself, was drawn up within the Council of Europe) may provide it with a source of inspiration</i> ”. |
| | | <i>Federation of Offshore Workers’ Trade Unions and Others v. Norway</i> (dec.), no. 38190/97, ECHR 2002-VI | Art. 11 | (FACTS & LAW) The Court describes the finding of the European Committee of Social Rights. See also: <i>Koua Poirrez v. France</i> , no. 40892/98, § 29, ECHR 2003-X. |
| | | <i>Wilson, National Union of Journalists and Others v. the United Kingdom</i> , nos. 30668/96, 30671/96 and 30678/96, §§ 30-33, 40 and 48, ECHR 2002-V | Art. 11 | (FACTS & LAW) The Court notes that the domestic law has been criticised by the Social Charter’s Committee of Independent Experts and the ILO’s Committee of Freedom of Association. |
| | | <i>Jensen and Rasmussen v. Denmark</i> (dec.), no. 52620/99, 20 March 2003 | Art. 11 | (FACTS) Article 5 of the Charter and practice of the Committee cited as relevant international law. See also: <i>Hoffman Karlskov v. Denmark</i> (dec.), no. 62560/00, 20 March 2003; <i>Sørensen and Rasmussen v. Denmark</i> (dec.), no. 52562/99, 20 March 2003; <i>Sørensen and Rasmussen v. Denmark</i> [GC], nos. 52562/99 and 52620/99, §§ 35-36 and 72, ECHR 2006-I. |

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| | | | <i>Sidabras and Džiautas v. Lithuania</i> , nos. 55480/00 and 59330/00, §§ 31 and 47, ECHR 2004-VIII | Art. 8 Art. 14 | (FACTS & LAW) The Charter (Art. 1 § 2) as evidence that “a far-reaching ban on taking up private sector employment does affect private life”. See also: <i>Campagnano v. Italy</i> , no. 77955/01, § 53, ECHR 2006-IV. |
| | | | <i>Coorplan-Jenni GmbH and Hascic v. Austria</i> (dec.), no. 10523/02, 24 February 2005 | Art. 6 | (FACTS & LAW) In the arguments of the applicants. See also: <i>Jurisc and Collegium Mehrerau v. Austria</i> (dec.), no. 62539/00, 24 February 2005; <i>Jurisc and Collegium Mehrerau v. Austria</i> , no. 62539/00, §§ 20, 24 and 44, 27 July 2006; <i>Coorplan-Jenni GmbH and Hascic v. Austria</i> , no. 10523/02, §§ 15, 19 and 42, 27 July 2006; <i>Stebnitskiy and Komfort v. Ukraine</i> (dec.), no. 10687/02, 29 May 2007. |
| | | | <i>Rainys and Gasparavičius v. Lithuania</i> , nos. 70665/01 and 74345/01, § 29, 7 April 2005 | Art. 8 Art. 14 | (FACTS) Article 1 § 2 cited as relevant international law (right not to be discriminated against in employment). |
| | | | <i>Stec and Others v. the United Kingdom</i> (dec.) [GC], nos. 65731/01 and 65900/01, §§ 25, 34 and 52, ECHR 2005-X | Art. 14 Art 1-P1 | (FACTS & LAW) The Court “considers that to hold that a right to a non-contributory benefit falls within the scope of Article 1 of Protocol No. 1 no more renders otiose the provisions of the Social Charter than to reach the same conclusion in respect of a contributory benefit”. There is no division separating social and economic rights from the field covered by the ECHR. |
| | | | <i>Tüm Haber Sen and Çınar v. Turkey</i> , no. 28602/95, §§ 12, 24 and 39, ECHR 2006-II | Art. 11 | (FACTS & LAW) “Furthermore, although Turkey was one of only two States (the other being Greece) that had not yet accepted Article 5 of the European Social Charter, the Committee of Independent Experts had construed that provision – which afforded all workers the right to form trade unions – as applying to civil servants as well. The Court can only subscribe to this interpretation by a particularly well-qualified committee. It also notes that Article 5 of the European Social Charter sets out conditions for the possibility of forming trade union organisations for members of the police and the armed forces. A contrario, this Article must be considered as applying without restriction to other categories of state employees.” |
| | | | <i>Evaldsson and Others v. Sweden</i> (dec.), no. 75252/01, 28 March 2006 | Art. 11 | (LAW) “The Court notes that the freedom enshrined in Article 5 of the European Social Charter resembles the rights guaranteed by Article 11 of the [ECHR].” |

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| | | | <i>Lykourazos c. Grèce</i> , n° 33554/03, opinion dissidente de M. le juge Spielmann et de M ^{me} la juge Tulkens, CEDH 2006-VIII | Art. 8 | (OPINION DISSIDENTE) Références aux affaires <i>Sidabras et Džiautas</i> et <i>Campagnano</i> lesquelles mentionnent l'article 1 § 2 de la Charte en ce que l'interdiction d'occuper un grand nombre d'emplois dans le secteur privé touche à la « vie privée ». Voir également : <i>Vitiello c. Italie</i> , n° 77962/01, § 47, 23 mars 2006, et <i>Albanese c. Italie</i> , n° 77924/01, § 53, 23 mars 2006. |
| | | | <i>Arnolin et autres c. France</i> , nos 20127/03 et al., § 75, 9 janvier 2007 | Art. 6 | (EN DROIT) « <i>La Cour rappelle qu'elle a déjà jugé que le système français, avec ses organismes gérant un service public, bénéficiant de prérogatives de puissance publique et soumis aux autorités de tutelle ministérielles, illustre le rôle particulier et les devoirs des États membres du Conseil de l'Europe, tels qu'ils peuvent résulter de la Charte sociale européenne, dans la protection sociale de leurs populations.</i> » |
| | | | <i>Associated Society of Locomotive Engineers and Firemen (ASLEF) v. the United Kingdom</i> , no. 11002/05, §§ 22-24 and 39, 27 February 2007 | Art. 11 | (FACTS & LAW) The Charter as evidence that “unions must remain free to decide, in accordance with union rules, questions concerning admission to and expulsion from the union”. |
| | | | <i>Staroszczyk v. Poland</i> , no. 59519/00, § 71, 22 March 2007 | Art. 6 § 1 | (FACTS) Cited in Recommendation No. R (93) 1 of the Committee of Ministers to Member States on effective access to the law and to justice for the very poor. See also: <i>Sialkowska v. Poland</i> , no. 8932/05, § 54, 22 March 2007. |
| | | | <i>Luczak v. Poland</i> (dec.), no. 77782/01, 27 March 2007 | Art. 14 Art. 1-P1 | (FACTS) Article 12 of the Charter cited as relevant international law. See also: <i>Luczak v. Poland</i> , no. 77782/01, §§ 24-25, 27 November 2007. |
| | | | <i>Karaçay c. Turquie</i> , n° 6615/03, § 17, 27 mars 2007 | Art. 11 | (EN FAIT) Référence à l'article 5 de la Charte en tant que droit international pertinent. Voir également : <i>Urcan et autres c. Turquie</i> , nos 23018/04, § 12, 17 juillet 2008. |
| | | | <i>Satılmış et autres c. Turquie</i> , nos. 74611/01, 26876/02 and 27628/02, § 37, 17 July 2007 | Art. 11 | (EN FAIT) Référence aux articles 2, 5, 6 de la Charte en tant que droit international pertinent. |
| | | | <i>Enerji Yapı-Yol Sen c. Turquie</i> (déc.), n° 68959/01, 31 janvier 2008 | Art. 11 | (EN FAIT) Référence aux articles 5 et 6 de la Charte en tant que droit international pertinent. |

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| | | | <i>Nart v. Turkey</i> , no. 20817/04, § 20, 6 May 2008 | Art. 5 § 3 Art. 5 § 4 | (FACTS) Article 17 of the Charter cited as relevant international law. |
| | | | <i>N. v. the United Kingdom</i> [GC], no. 26565/05, § 24, 27 May 2008 | Art. 3 | (LAW) In the arguments of the Government: “ <i>The protection provided by Article 3 was absolute and fundamental, whereas provisions on health care contained in international instruments such as the European Social Charter and the International Covenant on Economic, Social and Cultural Rights were merely aspirational in character and did not provide the individual with a directly enforceable right.</i> ” |
| | | | <i>Güveç v. Turkey</i> , no. 70337/01, § 61, 20 January 2009 | Art.3 Art. 5 § 3 Art. 5 § 4 Art. 6 Art. 13 | (FACTS) Article 17 of the Charter cited as relevant international text. |
| | | | <i>Weller v. Hungary</i> , no. 44399/05, concurring opinion of Judge Tulkens, 31 March 2009 | Art. 8 Art. 14 | (CONCURRING OPINION) Judge Tulkens cites Article 12 § 4 of Social Charter, “which provides that domestic law cannot reserve social-security rights to their own nationals”. |
| | | | <i>Kulikowski v. Poland</i> , no. 18353/03, § 34, 19 May 2009 | Art. 5 § 3 Art. 6 § 1 Art. 6 § 3 Art. 19 | (FACTS) Cited in the Recommendation No. R (93) 1 of the Committee of Ministers to Member States on effective access to the law and to justice for the very poor. |
| | | | <i>Vorður Ólafsson v. Iceland</i> , no. 20161/06, §§ 22 and 53, 27 April 2010 | Art. 11 | (FACTS & LAW) “ <i>In this connection the Court has also had regard to the respective conclusions of the European Committee of Social Rights (in relation to Article 5 of the European Social Charter) ...</i> ” See also decision on the admissibility of this case (2 December 2008). |
| 048 | EUROPEAN CODE OF SOCIAL SECURITY | Opening for signature: 16/4/1964 Entry into force: 17/3/1968 Total number of ratifications/accessions: 21 Total number of signatures not followed by ratifications: 5 | <i>Stec and Others v. the United Kingdom</i> (dec.) [GC], nos. 65731/01 and 65900/01, § 25, ECHR 2005-X | Art. 14 Art. 1-P1 | (FACTS) Cited in Article 13 § 4 of the European Social Charter 1961. |
| | | | <i>Carson and Others v. the United Kingdom</i> , no. 42184/05, §§ 49 and 85, 16 March 2010 | Art. 14 Art. 1-P1 | (FACTS & LAW) The court recognised this convention as relevant international law in the social security area. |

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| 058 | EUROPEAN CONVENTION ON THE ADOPTION OF CHILDREN | Opening for signature: 24/4/1967 Entry into force: 26/4/1968 Total number of ratifications/accessions: 16 Total number of signatures not followed by ratifications: 3 | <i>Pini and Others v. Romania</i> , nos. 78028/01 and 78030/01, §§ 139-142, ECHR 2004-V | Art. 8 | (FACTS & LAW) The “obligations imposed by Article 8 of the [ECHR] on the Contracting States in the field of adoption, and the effects of adoption on the relationship between adopters and those being adopted” must be interpreted in the light of this convention. |
| | | | <i>Brlek v. Croatia</i> (dec.), no. 11223/04, 18 May 2006 | Art. 8 | (FACTS) Cited as relevant international law. |
| | | | <i>Eski v. Austria</i> , no. 21949/03, § 37 and joint dissenting opinion of Judges Tulkens and Spielmann, 25 January 2007 | Art. 8 | (FACTS & LAW) The Court indicates that this convention is binding on several Member States and “requires in principle the consent of the mother and, where the child is legitimate, of the father, to their child’s adoption, save on exceptional grounds determined by law”. (DISSENTING OPINION) Cited to stress the importance of the biological parents’ consent. |
| | | | <i>Emonet and Others v. Switzerland</i> , no. 39051/03, § 65, 13 December 2007 | Art. 8 | (FACTS & LAW) Interpretation of Article 8 in light of this convention (see <i>Pini and Others v. Romania</i>). The draft revised Convention is “a sign of growing recognition in the Council of Europe’s member States for adoptions” by the partner of the biological parent. |
| | | | <i>Kearns v. France</i> , no. 35991/04, § 41, 10 January 2008 | Art. 8 | (FACTS) Cited as relevant international law in relation to the statutory period of reflection given to the biological parents after the birth before consenting to the adoption. |
| | | | <i>E.B. v. France</i> [GC], no. 43546/02, § 77 and dissenting opinion of Judge Mularoni, 22 January 2008 | Art. 14 Art. 8 | (FACTS & LAW) The draft of this convention is cited as relevant international law. (DISSENTING OPINION) The draft is cited to support the existence of the safeguards surrounding the adoption. |
| | | | <i>Demir and Baykara v. Turkey</i> [GC], no. 34503/97, § 69, 12 November 2008 | Art. 11 | (LAW) Cited as relevant international law to used for the interpretation of the ECHR. |
| | | | <i>Kurochkin v. Ukraine</i> , no. 42276/08, § 27, 20 May 2010 | Art. 8 | (FACTS) Article 14 cited as relevant international law. |
| 062 | EUROPEAN CONVENTION ON INFORMATION ON FOREIGN LAW | Opening for signature: 7/6/1968 Entry into force: 17/12/1969 Total number of ratifications/accessions: 43 | <i>Karalyos and Huber v. Hungary and Greece</i> , no. 75116/01, § 40, 6 April 2004 | Art. 35 | (FACTS & LAW) The failure to respect this convention cannot be the subject matter of a case before the Court. |
| 067 | EUROPEAN AGREEMENT | Opening for signature: 6/5/1969 | <i>X and Y v. the United Kingdom</i> (dec.), no. 5459/72, § 2, | Art. 5 Art. 6 | (FACTS & LAW) “The Commission observes that it derives its competence solely from the European Convention on |

THE USE OF COUNCIL OF EUROPE TREATIES IN THE CASE-LAW OF THE EUROPEAN COURT OF HUMAN RIGHTS

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| | RELATING TO PERSONS PARTICIPATING IN PROCEEDINGS OF THE EUROPEAN COMMISSION AND COURT OF HUMAN RIGHTS | Entry into force: 17/4/1971 Total number of ratifications/accessions: 26 Total number of signatures not followed by ratifications: 1 | 23 March 1972 | Art. 8 Art. 11 | <i>Human Rights and has no competence to examine whether or not measures taken by a Contracting Party are consistent with the provisions of that Agreement.</i> |
| | | | <i>Klass v. Germany</i> (dec.), no. 15473, § 2, 9 July 1991 | Art. 25 | (LAW) In the argument of the Government. |
| | | | <i>S. v. Switzerland</i> , 28 November 1991, § 48, Series A no. 220 | Art. 6 § 3 | (LAW) The Agreement as evidence “that an accused’s right to communicate with his advocate out of hearing of a third person is part of the basic requirements of a fair trial”. |
| | | | <i>Campbell v. the United Kingdom</i> , 25 March 1992, §§ 50 and 63, Series A no. 233 | Art. 8 | (LAW) The Agreement “cannot be interpreted as prejudicing the rights guaranteed in the [ECHR]”. The Agreement cannot be used to allow the opening of the detainees’ correspondence. |
| 070 | EUROPEAN CONVENTION ON THE INTERNATIONAL VALIDITY OF CRIMINAL JUDGMENTS | Opening for signature: 28/5/1970 Entry into force: 26/7/1974 Total number of ratifications/accessions: 22 Total number of signatures not followed by ratifications: 6 | <i>Drozd and Janousek v. France and Spain</i> , 26 June 1992, joint dissenting opinion of Judges Pettiti, Valticos and Lopes Rocha, approved by Judges Walsh and Spielmann, Series A no. 240 | Art. 5 | (DISSENTING OPINION) Relies on this treaty and its explanatory report in support of the view that the applicants’ right to liberty and security had been violated. |
| | | | <i>Nikitin v. Russia</i> , no. 50178/99, § 37, ECHR 2004-VIII; <i>Sundqvist v. Finland</i> (dec.), no. 75602/01, 22 November 2005 | Art. 4-P7 | (LAW) Cited in the explanatory report to Protocol No. 7. |
| | | | <i>Matveyev v. Russia</i> (dec.), n°26601/02, 1 February 2007 | Art. 3-P7 | (FACTS) Cited in the explanatory report to Protocol No. 7. |
| | | | <i>Sergey Zolotukhin v. Russia</i> , no. 14939/03, § 107, 10 February 2009 | Art. 4-P7 | (LAW) The Court uses Explanatory Report to Protocol No. 7 which itself refers back to the European Convention on the International Validity of Criminal Judgments to define “a final decision”. |
| | | | <i>Groni v. Albania</i> , no. 25336/04, §§ 90 and 157-158, 7 July 2009 | Art. 5 § 1 | (FACTS & LAW) Cited as relevant international law and the Court repeats how the domestic court uses this convention in its assessment. |
| | | | <i>Garkavyi v. Ukraine</i> , no. 25978/07, §§ 40-42 and 71, 18 February 2010 | Art. 5 § 1 Art. 6 | (FACTS & LAW) The Court uses this convention to explain detention in this case. See also decision on the admissibility of this case (17 February 2009). |
| | | | <i>Herbert Bachowski v. Poland</i> (dec.), no. 32463/06, 2 November 2010 | Art. 6 Art. 3-P7 | (FACTS) Definition of “final decision” contained in this convention used in Explanatory Report to Protocol No. 7 to ECHR cited as relevant international law. |

THE USE OF COUNCIL OF EUROPE TREATIES IN THE CASE-LAW OF THE EUROPEAN COURT OF HUMAN RIGHTS

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| 073 | EUROPEAN CONVENTION ON THE TRANSFER OF PROCEEDINGS IN CRIMINAL MATTERS | Opening for signature: 15/5/1972 Entry into force: 30/3/1978 Total number of ratifications/accessions: 25 Total number of signatures not followed by ratifications: 10 | <i>Grori v. Albania</i> , no. 25336/04, § 144, 7 July 2009 | Art. 5 § 1 | (LAW) Cited in the applicant's submission in respect of legal basis for his detention. |
| | | | <i>Garkavyy v. Ukraine</i> , no. 25978/07, §§ 43-44; 71; 76, 18 February 2010 | Art. 5 § 1 Art. 6 | (FACTS & LAW) The Court notes this convention is used in an earlier domestic case. See also decision on the admissibility of this case (17 February 2009). |
| 074 | EUROPEAN CONVENTION ON STATE IMMUNITY | Opening for signature: 16/5/1972 Entry into force: 11/6/1976 Total number of ratifications/accessions: 8 Total number of signatures not followed by ratifications: 1 | <i>Vearncombe and Others v. Germany</i> (dec.), no. 12816/87, 18 January 1989 | Art. 14 | (FACTS) Cited in reference with domestic law. See also: <i>Kalogeropoulou and Others v. Greece and Germany</i> (dec.), no. 59021/00, ECHR 2002-X. |
| | | | <i>McElhinney v. Ireland</i> (dec.) [GC], no. 31253/96, 9 February 2000 | Art. 6 Art. 14 | (FACTS & LAW) In the argument of the parties. See also: <i>Al-Adsani v. the United Kingdom</i> (dec.) [GC], no. 35763/97, 1 March 2000; <i>Fogarty v. the United Kingdom</i> (dec.) [GC], no. 37112/97, 1 March 2000. |
| | | | <i>McElhinney v. Ireland</i> [GC], no. 31253/96, § 27, ECHR 2001-XI | Art. 6 | (FACTS & LAW) The judgment in each case takes note <i>inter alia</i> of the Basle Convention on the issue of State immunity. See also: <i>Al-Adsani v. the United Kingdom</i> [GC], no. 35763/97, § 57, ECHR 2001-XI; <i>Fogarty v. the United Kingdom</i> [GC], no. 37112/97, §§ 30-31, ECHR 2001-XI. |
| | | | <i>Manoilescu and Dobrescu v. Romania</i> (dec.), no. 60861/00, §§ 74, 79 and 85, ECHR 2005-VI | Art. 6 | (FACTS & LAW) The Court refers to this convention as evidence of trends and recent developments in the law of State immunity. |
| | | | <i>Cudak v. Lithuania</i> (dec.), no. 15869/02, 2 March 2006 | Art. 6 | (FACTS) Cited as relevant international law. |
| | | | <i>Hirschhorn c. Roumanie</i> , n° 29294/02, § 41, 26 juillet 2007 | Art. 6 | (EN FAIT) Référence en tant que droit international pertinent. |
| | | | <i>Demir and Baykara v. Turkey</i> [GC], no. 34503/97, § 80, 12 November 2008 | Art. 11 | (LAW) "Furthermore, in the cases of <i>McElhinney v. Ireland</i> [GC], <i>Al-Adsani v. the United Kingdom</i> [GC] and <i>Fogarty v. the United Kingdom</i> [GC], the Court took note of the <i>European Convention on State Immunity, which had only been ratified at the time by eight member States.</i> " |
| | | | <i>Cudak v. Lithuania</i> , no. 15869/02, §§ 25-27 48 and 50, 23 March 2010 | Art. 6 § 1 | (FACTS & LAW) Cited as relevant international law and in both applicant's and government's submissions. See also decision on the admissibility of this case (2 March 2006). |
| 082 | EUROPEAN CONVENTION ON THE NON-APPLICABILITY OF STATUTORY | Opening for signature: 25/1/1974 Entry into force: 27/6/2003 Total number of | <i>Sawoniuk v. the United Kingdom</i> (dec.), no. 63716/00, § 1, ECHR 2001-VI | Art. 6 | In dismissing as inadmissible the applicant's claim that his trial for war crimes decades later was unfair, the Court makes reference to this treaty and states that the ECHR does not impose a time limit in respect of war crime prosecutions. |

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| | LIMITATION TO CRIMES AGAINST HUMANITY AND WAR CRIMES | ratifications/accessions: 7 Total number of signatures not followed by ratifications: 1 | <i>Kononov v. Latvia</i> , no. 36376/04, §§ 133 and 232, 17 May 2010 | Art. 7 | (FACTS & LAW) The Court uses this convention and other international law instruments to determine “ <i>whether at any point prior to the applicant’s prosecution, such action had become statute-barred by international law</i> ”, cited in note 63. |
| 085 | EUROPEAN CONVENTION ON THE LEGAL STATUS OF CHILDREN BORN OUT OF WEDLOCK | Opening for signature: 15/10/1975 Entry into force: 11/8/1978 Total number of ratifications/accessions: 22 Total number of signatures not followed by ratifications: 4 | <i>Marckx v. Belgium</i> , 13 June 1979, § 20, Series A no. 31 | Art. 8 Art. 14 | (FACTS & LAW) The treaty as evidence of the development of social attitudes in Europe. |
| | | | <i>Johnston and Others v. Ireland</i> , 18 December 1986, § 74, Series A no. 112 | Art. 8 | (LAW) The treaty as evidence of the development of social attitudes in Europe. |
| | | | <i>M.B. v. Austria</i> (dec.), n°15154/89, 1 April 1992 | Art. 14 Art. 1-P1 | (FACTS) Reservations to this convention cited in the Supreme Court decision to reject the applicant’s appeal. |
| | | | <i>Inze v. Austria</i> , 28 October 1987, § 41, Series A no. 126 | Art. 14 Art. 1-P1 | (FACTS & LAW) The treaty as evidence of the development of social attitudes in Europe. |
| | | | <i>Mazurek v. France</i> , no. 34406/97, § 49, ECHR 2000-II | Art. 14 Art. 1-P1 | (LAW) The treaty as evidence that “ <i>today the member States of the Council of Europe attach great importance to the question of equality between children born in and children born out of wedlock as regards their civil rights</i> ”. |
| | | | <i>Brauer v. Germany</i> , no. 3545/04, § 40, 28 May 2009 | Art. 8 Art. 14 | (LAW) The treaty as evidence that “ <i>today the member States of the Council of Europe attach great importance to the question of equality between children born in and children born out of wedlock as regards their civil rights</i> ”. |
| 090 | EUROPEAN CONVENTION ON THE SUPPRESSION OF TERRORISM | Opening for signature: 27/1/1977 Entry into force: 4/8/1978 Total number of ratifications/accessions: 46 Total number of signatures not followed by ratifications: 1 | <i>Öcalan v. Turkey</i> (dec.), no. 46221/99, 14 February 2000 | Art. 6 | (LAW) In the arguments of the Government: “ <i>Those acts exactly matched the offences included in the list of terrorist acts set out in Articles 1 and 2 of the European Convention on the Suppression of Terrorism.</i> ” See also: <i>Öcalan v. Turkey</i> , no. 46221/99, § 132, 12 March 2003; <i>Öcalan v. Turkey</i> [GC], no. 46221/99, ECHR 2005-IV |
| | | | <i>Segi and Gestoras Pro-Amnistía and Others v. Austria and Others</i> (dec.), nos. 6422/02 and 9916/02, ECHR 2002-V | Art. 6 Art. 8 Art. 10 Art. 11 Art. 13 | (FACTS) Cited in the Council of the European Union’s Common Foreign and Security Policy 2001/930/CFSP: recommends that the Member States become parties as soon as possible of this convention. |

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| | | | <i>Shamayev and Others v. Georgia and Russia</i> , no. 36378/02, dissenting opinion of Judge Kovler, ECHR 2005-III | Art. 41 | (DISSENTING OPINION) “Finally, with regard to the sums awarded to the applicants in respect of alleged non-pecuniary damage, I wish to point out that the two respondent Governments acted in accordance with the provisions of the European Convention on the Suppression of Terrorism (1977).” |
| | | | <i>A. v. the Netherlands</i> , no. 4900/06, § 99, 20 July 2010 | Art. 3 Art. 13 | (FACTS) Cited as relevant Council of Europe Materials on Terrorism. See also: <i>A. v. the Netherlands</i> (dec), no. 4900/06, § 85, 17 November 2009. |
| 098 | SECOND ADDITIONAL PROTOCOL TO THE EUROPEAN CONVENTION ON EXTRADITION | Opening for signature: 17/3/1978 Entry into force: 5/6/1983 Total number of ratifications/accessions: 41 Total number of signatures not followed by ratifications: 1 | <i>Giuliani v. Moldova</i> (dec.), n°44981/05, 23 October 2007 | Art. 6 | (FACTS) The Moldovan authorities tried to ensure that the applicant would have the right to retrial in accordance with Article 3 of the Second Additional Protocol. |
| 102 | EUROPEAN CONVENTION FOR THE PROTECTION OF ANIMALS FOR SLAUGHTER | Opening for signature: 10/5/1979 Entry into force: 11/6/1982 Total number of ratifications/accessions: 25 Total number of signatures not followed by ratifications: 5 | <i>Cha'are Shalom Ve Tsedek v. France</i> [GC], no. 27417/95, § 20, ECHR 2000-VII | Art. 9 | (FACTS) Cited as relevant international law. |
| 105 | EUROPEAN CONVENTION ON RECOGNITION AND ENFORCEMENT OF DECISIONS CONCERNING CUSTODY OF CHILDREN AND ON RESTORATION OF CUSTODY OF CHILDREN | Opening for signature: 20/5/1980 Entry into force: 1/9/1983 Total number of ratifications/accessions: 37 | <i>Hansen v. Turkey</i> , no. 36141/97, § 86, 23 September 2003 | Art. 8 | (FACTS) Turkey was not a party of this convention at the material time. |
| 106 | EUROPEAN OUTLINE CONVENTION ON TRANSFRONTIER CO- | Opening for signature: 21/5/1980 Entry into force: 22/12/1981 | <i>Tatar and Tatar v. Romania</i> (dec.), n°67021/01, § 44, 5 July 2007 | Art. 2 | (FACTS) Cited in Resolution no. 1430/2005 of the Parliamentary Assembly of the Council of Europe. |

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| | OPERATION BETWEEN TERRITORIAL COMMUNITIES OR AUTHORITIES | Total number of ratifications/accessions: 37 Total number of signatures not followed by ratifications: 2 | | | |
| 108 | CONVENTION FOR THE PROTECTION OF INDIVIDUALS WITH REGARD TO AUTOMATIC PROCESSING OF PERSONAL DATA | Opening for signature: 28/1/1981 Entry into force: 1/10/1985 Total number of ratifications/accessions: 43 Total number of signatures not followed by ratifications: 3 | <i>Z. v. Finland</i> (dec.), no. 22009/93, § 95, ECHR 1997-I | Art. 8 | (LAW) The Court refers to this treaty in interpreting Article 8 as protecting privacy of personal health data. |
| | | | <i>Amann v. Switzerland</i> [GC], no. 27798/95, § 65, ECHR 2000-II | Art. 8 | (LAW) The Convention as evidence of a broad interpretation of the term “private life”. See also: <i>Rotaru v. Romania</i> [GC], no. 28341/95, § 43, ECHR 2000-V; <i>P.G. and J.H. v. the United Kingdom</i> , no. 44787/98, § 57, ECHR 2001-IX. |
| | | | <i>Sofianopoulos and Others v. Greece</i> (dec.), nos. 1977/02, 1988/02 and 1997/02, ECHR 2002-X | Art. 9 | (FACTS) Cited as relevant law. |
| | | | <i>Peck v. the United Kingdom</i> , no. 44647/98, § 78, ECHR 2003-I | Art. 8 | (LAW) The Convention as evidence that the protection of personal data is of fundamental importance to a person’s enjoyment of his or her right to respect for private life (see <i>Z. v. Finland</i>). |
| | | | <i>Von Hannover v. Germany</i> , no. 59320/00, § 42, ECHR 2004-VI | Art. 8 | (FACTS) Cited in Resolution 1165 (1998) of the Parliamentary Assembly of the Council of Europe on the right to privacy. |
| | | | <i>Cemalettin Canlı v. Turkey</i> , no. 22427/04, §§ 17 and 34, 18 November 2008 | Art. 8 | (FACTS & LAW) “ <i>The Court considers this interpretation of the notion of “private life” to be in line with the Council of Europe’s Convention of 28 January 1981 for the Protection of Individuals with regard to Automatic Processing of Personal Data.</i> ” |
| | | | <i>S. and Marper v. the United Kingdom</i> , nos. 30562/04 and 30566/04, §§ 41, 66, 68, 76, 103-104 and 107, 4 December 2008 | Art. 8 Art. 14 | (FACTS & LAW) The Court uses several articles of this convention to assess issues in the case. |
| | | | <i>Uzun v. Germany</i> , no. 35623/05, § 47, 2 September 2010 | Art. 8 | (LAW) “ <i>The Court has also referred in this context to the Council of Europe’s Convention of 28 January 1981 for the protection of individuals with regard to automatic processing of personal data.</i> ” |
| 112 | CONVENTION ON THE TRANSFER OF SENTENCED PERSONS | Opening for signature: 21/3/1983 Entry into force: 1/7/1985 | <i>Case of Drozd and Janousek v. France and Spain</i> , no. 12747/87, joint dissenting opinion of Judges | Art. 5 | (DISSENTING OPINION) Relies on this convention in support of the view that the applicants’ right to liberty and security had been violated. |

THE USE OF COUNCIL OF EUROPE TREATIES IN THE CASE-LAW OF THE EUROPEAN COURT OF HUMAN RIGHTS

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| | Total number of ratifications/accessions: 64 | Pettiti, Valticos and Lopes Rocha, approved by Judges Walsh and Spielmann, 26 June 1992 | | |
| | | <i>Hacisüleymanoğlu c. Italie</i> (déc.), no. 23241/94, 20 octobre 1994 | Art. 8 Art. 14 | (GRIEFS & EN DROIT) Argumentation des parties : la Cour a relevé que la convention invoquée par le requérant ne prévoyait aucun droit pour l'intéressé à être transféré dans son pays d'origine, pareil transfèrement étant soumis à l'accord préalable de l'Etat de condamnation. Dans ces circonstances, l'éloignement du requérant de sa famille était une conséquence inévitable de la détention suite à l'exercice par l'Etat italien de ses prérogatives en matière de répression pénale. La Cour a conclu que cet Etat n'avait aucune obligation spécifique en matière de transfèrement des personnes condamnées. Voir également : <i>Savas c. Italie</i> (déc.), no. 25632/94, 26 février 1997. |
| | | <i>Vratsidis v. Greece</i> (dec.), no. 22719/93, 22 February 1995 | Art. 3 Art. 13 | (FACTS) Taken into account in the decisions of the domestic courts. See also: <i>Caresana v. the United Kingdom</i> (dec.), no. 31541/96, 29 August 2000; <i>Czekalla v. Portugal</i> , no. 38830/97, ECHR 2002-VIII |
| | | <i>Selmouni v. France</i> [GC], no. 25803/94, § 125, ECHR 1999-V | Art. 41 | (LAW) Request for transfer to the Netherlands. |
| | | <i>Palmas c. Italie</i> (déc.), n° 39556/98, 8 novembre 2001 | Art. 6 § 1 | (EN FAIT & EN DROIT) Requête de transfèrement vers l'Italie. Interprétation de la question du délai raisonnable à la lumière de l'article 3 de cette convention. |
| | | <i>Altosaar v. Finland</i> (dec.), no. 9764/03, 2 December 2003 | Art. 5 | (FACTS & LAW) This convention "should be applied for the benefit of the prisoner". |
| | | <i>Altosaar v. Finland</i> (dec.), no. 9764/03, 15 June 2004 | Art. 5 | (FACTS & LAW) In the arguments of the parties. |
| | | <i>Czoszanski v. Sweden</i> (dec.), no. 22318/02, 26 October 2004 | Art. 5 | (FACTS) Cited as relevant international law. See also: <i>Szabo v. Sweden</i> (dec.), no. 28578/03, 26 October 2004 |
| | | <i>Veermae v. Finland</i> (dec.), no. 38704/03, ECHR 2005-VII | Art. 5 Art. 6 Art. 14 | (FACTS & LAW) Cited as relevant international law; in the arguments of the Government and in the Court's assessment: "In the present context the Court must, in particular, take into account the Transfer Convention and its Additional Protocol." |

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| | | | <i>Czozszanski v. Sweden</i> (dec.), no. 22318/02, 27 June 2006 | Art. 9 Art. 11 Art. 14 Art. 1-P12 | (FACTS & LAW) The Court notes that it must, in particular, take into account the Transfer Convention and the Additional Protocol. The Court relied on this convention to decide that the possibility of a longer period of imprisonment in the administering State does not in itself render the deprivation of liberty arbitrary. See also: <i>Szabo v. Sweden</i> (dec.), no. 28578/03, 27 June 2006. |
| | | | <i>Groni v. Albania</i> , no. 25336/04, §§ 91-92 and 157-158, 7 July 2009 | Art. 5 § 1 | (FACTS & LAW) Cited as relevant international law and the Court examines how the domestic court used this convention in its decision. |
| | | | <i>Garkavyy v. Ukraine</i> , no. 25978/07, §§ 45 and 76, 18 February 2010 | Art. 5 § 1 Art. 6 | (FACTS & LAW) The Court notes that this convention is used in an earlier domestic case. See also decision on the admissibility of this case (17 February 2009). |
| | | | <i>Smith v. Germany</i> , no. 27801/05, § 33, 1 April 2010 | Art. 6 | (FACTS) Cited as relevant international law. |
| | | | <i>Buijen v. Germany</i> , no. 27804/05, § 34, 1 April 2010 | Art. 6 | (FACTS) Cited as relevant international law. |
| | | | <i>Vezir Plepi, Fersilet Plepi and Miaftoni Zeka v. Albania and Greece</i> (dec.), nos. 11546/05, 33285/05 and 33288/05, 4 May 2010 | Art. 6 § 1 Art. 8 | (FACTS) Cited as relevant international law. |
| | | | <i>Somogyi v. Hungary</i> , no. 5770/05, § 15, 11 January 2011 | Art. 5 § 1 Art. 5 § 5 Art. 6 § 1 Art. 9 | (FACTS) Cited as relevant international law. |
| 121 | CONVENTION FOR THE PROTECTION OF THE ARCHITECTURAL HERITAGE OF EUROPE | Opening for signature: 3/10/1985 Entry into force: 1/12/1987 Total number of ratifications/accessions: 40 Total number of signatures not followed by ratifications: 3 | <i>Kozacioğlu v. Turkey</i> , no. 2334/03, § 31, 19 February 2009 | Art. 6 Art.1-P1 | (FACTS) Cited as relevant international law. |
| | | | <i>Potomska and Potomski v. Poland</i> , no. 33949/05, §§ 31 and 64, 29 March 2011 | Art. 1-P1 | (FACTS & LAW) Cited as relevant international law and to underline the value and importance of protecting architectural heritage. |
| 122 | EUROPEAN CHARTER OF LOCAL SELF-GOVERNMENT | Opening for signature: 15/10/1985 Entry into force: 1/9/1988 | <i>Ayuntamiento De M. v. Spain</i> (dec.), no. 15090/89, 7 January 1991 | Art. 13 Art. 17 | (COMPLAINT) The applicant invokes a violation of Articles 13 and 17 of the ECHR and of the European Charter of Local Self-Government. |

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| | | Total number of ratifications/accessions: 45 | <i>Komulainen v. Finland</i> (dec.), no. 19576/92, 10 October 1994 | Art. 11 Art. 14 | (LAW) The Charter as evidence of the local elected representatives' right of free exercise of their functions. |
| | | | <i>Ahmed and Others v. the United Kingdom</i> , 2 September 1998, § 52, Reports 1998-VI | Art. 10 | (LAW) The Court refers to this treaty in underlining importance of institutions of local democracy. |
| | | | <i>The Province of Bari, Sorrentino and Messeni Nemagna v. Italy</i> (dec.), no. 41877/98, 15 September 1998 | Art. 25 | (COMPLAINT) Italian law giving wide autonomy to the territorial bodies is simply implementing the Charter. |
| | | | <i>Olaru and Others v. Moldova</i> , nos. 476/07 et al., §§ 32 and 44, 28 July 2009 | Art. 41 | (FACTS & LAW) Cited as relevant international law and Article 9 used in the applicant's submission. |
| 126 | EUROPEAN CONVENTION FOR THE PREVENTION OF TORTURE AND INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT | Opening for signature: 26/11/1987 Entry into force: 1/2/1989 Total number of ratifications/accessions: 47 | <i>N.H., G.H. and R.A. v. Turkey</i> (dec.), nos. 16311/90 et al., 11 October 1991 | Art. 3 | (FACTS) Invoked by the applicants before the domestic courts. See also: <i>Dougoz v. Greece</i> , no. 40907/98, § 25, ECHR 2001-II; <i>Ali and Ayşe Duran v. Turkey</i> , no. 42942/02, § 53, 8 April 2008. |
| | | | <i>Zagaria c. Italie</i> (déc.), no. 24408/03, 3 juin 2008 | Art. 3 | (EN FAIT) Référence aux articles 1, 10 et 17 de cette convention en tant que droit international pertinent. Voir également : <i>De Pace c. Italie</i> , n° 22728/03, § 19, 17 juillet 2008. |
| | | | <i>Narcisio v. the Netherlands</i> (dec.), no. 47810/99, 27 January 2005 | Art. 3 | (LAW) Article 1 of this convention cited in relation to the CPT. |
| | | | <i>Chitayev Arbi and Chitayev Adam v. Russia</i> (dec.), no. 59334/00, 30 June 2005 | Art. 3 | (LAW) Article 10§ 2 of this convention cited in relation to the CPT. See also: <i>Bitiyeva and X. v. Russia</i> (dec.), nos. 57953/00 et al., 20 October 2005; <i>Medov v. Russia</i> (dec.), no. 1573/02, 7 September 2006; <i>Chitayev and Chitayev v. Russia</i> , no. 59334/00, § 97, 18 January 2007; <i>Bitiyeva and X v. Russia</i> , nos. 57953/00 and 37392/03, § 85, 21 June 2007; <i>Medov v. Russia</i> , no. 1573/02, § 80, 8 November 2007 |
| | | | <i>Rodić and Others v. Bosnia and Herzegovina</i> , no. 22893/05, § 30, 27 May 2008 | Art. 3 | (FACTS) Cited as relevant international law. |
| | | | <i>Halolović v. Bosnia and Herzegovina</i> , no. 23968/05, § 11, 24 November 2009 | Art. 3 Art. 5 § 1 | (FACTS) Cited as relevant international law. See also decision on the admissibility of this case (9 December 2008). |

THE USE OF COUNCIL OF EUROPE TREATIES IN THE CASE-LAW OF THE EUROPEAN COURT OF HUMAN RIGHTS

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| | | | <i>Davydov and Others v. Ukraine</i> , nos. 17674/02 and 39081/02, § 108, 1 July 2010 | Art. 3 Art. 8 Art. 13 | (FACTS) Used in the Report by the Commission for Human Rights, Mr T. Hammarberg, on his Visit to Ukraine (10-17 December 2006), for the attention of the Committee of Ministers and the Parliamentary Assembly (Strasbourg, 26 September 2007, doc. CommDH (2007) 15) |
| | | | <i>Carabulea v. Romania</i> , no. 45661/99, 13 July 2010 | Art. 2 Art. 3 Art. 6 § 1 Art. 13 | (FACTS) Mentioned in the Recommendation 1159 (1991) of the Parliamentary Assembly of the Council of Europe on the Harmonisation of Autopsy Rules |
| 132 | EUROPEAN CONVENTION ON TRANSFRONTIER TELEVISION | Opening for signature: 5/5/1989 Entry into force: 1/5/1993 Total number of ratifications/accessions: 34 Total number of signatures not followed by ratifications: 6 | <i>Groppera Radio AG and Others v. Switzerland</i> , 28 March 1990, dissenting opinion of judge Pettiti, Series A no. 173 | Art. 10 | (DISSENTING OPINION) “ <i>The countries of Eastern Europe have been encouraged on the path to democracy thanks to broadcasts across frontiers and they wish to comply with [this convention].</i> ” |
| | | | <i>Autronic AG v. Switzerland</i> , 22 May 1990, § 62, Series A no. 178 | Art. 10 | (FACTS & LAW) The Court takes note of this treaty as a relevant legal development. |
| | | | <i>Nydahl v. Sweden</i> (dec.), no.17505/90, 11 January 1993 | Art. 10 | (LAW) “ <i>With reference to the European Convention on Transfrontier Television the applicant also considers that a blanket prohibition on radio broadcasting by private individuals is inconsistent with the tenor of this convention which emphasises the principles of the free flow of information and ideas.</i> ” See also: <i>Röda Korsets Ungdomsförbund, Gnesta and Moderata Samlingspatiet, Trosa-Vagnhärad v. Sweden</i> (dec.), no.18424/91, 15 January 1993. |
| | | | <i>Nederlandse Omroepprogramma Stichting v. the Netherlands</i> (dec.), no.16844/90, 13 October 1993 | Art. 10 | (LAW) In the arguments of the Government and the applicant. |
| | | | <i>Petrov c. Bulgarie</i> (déc.), n° 57883/00, 30 août 2006. | Art. 8 Art. 10 | (EN FAIT) Citée en tant que droit international pertinent. |
| | | | <i>Manole and Others v. Moldova</i> , no. 13936/02, § 53, 17 September 2009 | Art. 10 | (FACTS) Article 7 cited in the Recommendation Rec(2000)23 on the Independence and Functions of Regulatory Authorities for the Broadcasting Sector, adopted by the Committee of Ministers in December 2000. |
| 139 | EUROPEAN CODE OF SOCIAL SECURITY (REVISED) | Opening for signature: 6/11/1990 Total number of ratifications/accessions: 1 | <i>Carson and Others v. the United Kingdom</i> , no. 42184/05, § 49, 16 March 2010 | Art. 14 Art. 1-P1 | (FACTS) Cited as relevant international law. |

THE USE OF COUNCIL OF EUROPE TREATIES IN THE CASE-LAW OF THE EUROPEAN COURT OF HUMAN RIGHTS

| | | Total number of signatures not followed by ratifications: 13 | | | |
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| 141 | CONVENTION ON LAUNDERING, SEARCH, SEIZURE AND CONFISCATION OF THE PROCEEDS FROM CRIME | Opening for signature: 8/11/1990 Entry into force: 1/9/1993 Total number of ratifications/accessions: 48 | <i>Teixeira de Castro c. Portugal</i> (déc.), n° 25829/94, 24 juin 1996 | Art. 6§1 | (EN DROIT) Références dans les arguments du Gouvernement, lequel faisait valoir que le combat à certains types de criminalité, comme celui du trafic de stupéfiants, admettait l'usage de certains moyens de preuve, dans le respect des limites imposées par les droits fondamentaux des intéressés. Cela était notamment le cas de la Convention. |
| | | | <i>Baklanov v. Russia</i> , no. 68443/01, dissenting opinion of Judge Kovler, 9 June 2005 | Art. 1-P1 | (DISSENTING OPINION) "According to Article 1 of the CE Conventions the term "confiscation" means not only punishment, but also "a measure ordered by a court following proceedings in relation to a criminal offence or criminal offences resulting in the final deprivation of property." |
| | | | <i>Dassa Foundation and Others v. Liechtenstein</i> (dec.), n° 696/05, 10 July 2007 | Art. 7 | (FACTS & LAW) "The measures should comply with the obligations under [this convention] by depriving the beneficiaries of crime from the proceeds thereof." |
| | | | <i>Ramanauskas v. Lithuania</i> [GC], no. 74420/01, § 50, 5 February 2008 | Art. 6 | (FACTS & LAW) Cited as relevant international law. The Court makes reference to this convention to acknowledge the importance of the use of special investigative techniques by the police. |
| | | | <i>Adzhigovich v. Russia</i> , no. 23202/05, concurring opinion of Judge Kovler, 8 October 2009 | Art. 1-P1 | (CONCURRING OPINION) "This judgment was in line with the decision of the Constitutional Court of the Russian Federation of 8 July 2004, in which money smuggling was qualified as a criminal offence in the light of the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (8 November 1990). I regret that the present judgment did not mention the provisions of that instrument." |
| | | | <i>Yakiya Minhas v. the United Kingdom</i> (dec.), no. 7618/07, 10 November 2009 | Art. 6§1 | (FACTS) Cited as relevant international law. |
| | | | <i>Denisova and Moiseyeva v. Russia</i> , no. 16903/03, § 58, 1 April 2010 | Art. 1-P1 | (LAW) The Court cites this convention to illustrate the legitimate aim of confiscation measures. |
| | | | <i>A. v. the Netherlands</i> , no. 4900/06, § 99, 20 July 2010 | Art. 3 Art. 13 | (FACTS) Cited as relevant Council of Europe Materials on Terrorism. See also § 85 of the decision on admissibility of this case (17 November 2009). |

THE USE OF COUNCIL OF EUROPE TREATIES IN THE CASE-LAW OF THE EUROPEAN COURT OF HUMAN RIGHTS

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| 148 | EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES | Opening for signature: 5/11/1992 Entry into force: 1/3/1998 Total number of ratifications/accessions: 25 Total number of signatures not followed by ratifications: 8 | <i>Polacco and Garofalo v. Italy</i> (dec.), no. 23450/94, 15 September 1997 | Art. 3-P1 | (LAW) The Commission considered the protection of linguistic minorities a legitimate aim. |
| 150 | CONVENTION ON CIVIL LIABILITY FOR DAMAGE RESULTING FROM ACTIVITIES DANGEROUS TO THE ENVIRONMENT | Opening for signature: 21/6/1993 Total number of signatures not followed by ratifications: 9 | <i>Balmer-Schafroth and Others v. Switzerland</i> , 26 August 1997, dissenting opinion of Judge Pettiti, joined by Judges Gölcüklü, Walsh, Russo, Valticos, Lopes Rocha and Jambrek, Reports 1997-IV | Art. 6 | (DISSENTING OPINION) “ <i>In common with other international institutions, the Council of Europe, in its Convention on Civil Liability for Damage resulting from Activities Dangerous to the Environment, stressed the special hazards of certain installations, which need to be obviated by new international-law measures and through the exercise of effective remedies.</i> ” |
| | | | <i>Öneryıldız v. Turkey</i> , no. 48939/99, §§ 53-54, 18 June 2002; <i>Öneryıldız v. Turkey</i> [GC], no. 48939/99, §§ 60-61, ECHR 2004-XII | Art. 2 | (FACTS) Cited in domestic law and practice. The Court draws upon this convention as evidence that the primary responsibility for the treatment of household waste rests with local authorities and that the operation of a site for the permanent deposit of waste can be a dangerous activity. |
| | | | <i>Demir and Baykara v. Turkey</i> [GC], no. 34503/97, § 82, 12 November 2008 | Art. 11 | (LAW) “ <i>In order to determine the criteria for State responsibility under Article 2 of the [ECHR] in respect of dangerous activities, the Court, in the Öneryıldız v. Turkey judgment, referred among other texts to the Convention on Civil Liability for Damage resulting from Activities Dangerous to the Environment (ETS no. 150 – Lugano, 21 June 1993) and the Convention on the Protection of the Environment through Criminal Law (ETS no. 172 – Strasbourg, 4 November 1998).</i> ” |
| 157 | FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES | Opening for signature: 1/2/1995 Entry into force: 1/2/1998 Total number of ratifications/accessions: 39 Total number of signatures not followed by ratifications: 4 | <i>Polacco and Garofalo v. Italy</i> (dec.), no. 23450/94, 15 September 1997 | Art. 3-P1 | (LAW) The Commission considered the protection of linguistic minorities a legitimate aim. |
| | | | <i>Noack and Others v. Germany</i> (dec.), no. 46346/99, ECHR 2000-VI | Art. 8 | (LAW) Cited as relevant domestic law. |
| | | | <i>Chapman v. the United Kingdom</i> [GC], no. 27238/95, §§ 55, 83, 93-94, 98 and 127, ECHR 2001-I | Art. 8 | (FACTS & LAW) The Framework Convention as evidence of an “ <i>emerging international consensus amongst the Contracting States of the Council of Europe recognising the special needs of minorities and an obligation to protect their</i> |

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| | | | | <p><i>security, identity and lifestyle ... not only for the purpose of safeguarding the interests of the minorities themselves but to preserve a cultural diversity of value to the whole community.</i>"</p> <p>However, the Court also uses the Framework Convention to state the complexity and sensitivity of the issue.</p> <p>(DISSENTING OPINION)The Framework Convention as evidence of a "<i>sufficiently concrete</i>" consensus.</p> <p>See also: <i>Beard v. the United Kingdom</i> [GC], no. 24882/94, §§ 66, 94, 104-105,109 and 130, 18 January 2001; <i>Coster v. the United Kingdom</i> [GC], no. 24876/94, §§ 69, 97, 107-108, 112 and 139, 18 January 2001; <i>Lee v. the United Kingdom</i> [GC], no. 25289/94, §§ 57, 85, 95-96, 100 and 127, 18 January 2001; <i>Jane Smith v. the United Kingdom</i> [GC], no. 25154/94, §§ 62, 90, 100-101 and 136, 18 January 2001</p> |
| | | | <p><i>Gorzelik and Others v. Poland</i> (dec.), no. 44158/98, 17 May 2001</p> | <p>Art. 11</p> <p>(FACTS) Cited in the decisions of the domestic courts.</p> |
| | | | <p><i>Gorzelik and Others v. Poland</i>, no. 44158/98, §§ 13, 30-32 and 62, 20 December 2001</p> | <p>Art. 11</p> <p>(FACTS & LAW) The Framework Convention as evidence that "<i>no international treaty ... defines the notion of national minority</i>".</p> |
| | | | <p><i>The Gypsy Council and Others v. the United Kingdom</i> (dec.), no. 66336/01, 14 May 2002</p> | <p>Art. 8 Art. 11 Art. 14</p> <p>(FACTS) In the argument of the applicants.</p> |
| | | | <p><i>Gorzelik and Others v. Poland</i> [GC], no. 44158/98, §§ 26, 34, 36, 45-47, 60-61, 67-68, 93 and joint concurring opinion of Judges Costa and Zupančič, joined by Judge Kovler, ECHR 2004-I</p> | <p>Art. 11</p> <p>(FACTS & LAW) The Framework Convention as evidence of the necessity to protect national minorities (sine qua non condition in a democracy) and to recognize their freedom of association.</p> <p>(CONCURRING OPINION) As evidence that there is no international definition of national minority.</p> |
| | | | <p><i>Haliti and Others v. Denmark</i> (dec.), no. 14712/03, 19 February 2004</p> | <p>Art. 3</p> <p>(FACTS & LAW) Cited as relevant international material and in the argument of the applicant.</p> <p>See also: <i>Muratovic v. Denmark</i> (dec.), no. 14513/03, 19 February 2004; <i>Hida v. Denmark</i> (dec.), no. 38025/02, 19 February 2004; <i>Muratovic v. Denmark</i> (dec.), no. 14513/03, 19 February 2004</p> |
| | | | <p><i>Kuharec alias Kuhareca c. Lettonie</i> (déc.), n° 71557/01, 7 décembre 2004.</p> | <p>Art. 8</p> <p>(EN FAIT & EN DROIT) Citée en tant que droit international pertinent et invoquée par la requérante.</p> |

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| | | <i>Nachova and Others v. Bulgaria</i> [GC], nos. 43577/98 and 43579/98, § 78, ECHR 2005-VII | Art. 2 Art. 14 | (FACTS) Cited as relevant international law. |
| | | <i>D.H. and Others v. the Czech Republic</i> , no. 57325/00, § 26-27, 7 February 2006 | Art. 14 Art. 2-P1 | (FACTS & DISSENTING OPINION) Description of the reports submitted by the Government pursuant to Article 25 § 1 of the Framework Convention. See also §§ 18, 41, 51, 66-76, 134, 191-192 and 200 of the Grand Chamber judgment of this case (ECHR 2007-IV) |
| | | <i>Makuc and Others v. Slovenia</i> (dec.), no. 26828/06, § 138, 31 May 2007 | Art. 8 Art. 13 | (FACTS) Description of the report adopted by the Advisory Committee on the Framework Convention. |
| | | <i>Bulgakov v. Ukraine</i> , no. 59894/00, § 35; 48, 11 September 2007 | Art. 8 | (FACTS & LAW) The Framework Convention as evidence that the system of “Ukrainianisation” of name is not incompatible with the requirement of the ECHR. |
| | | <i>Balsytė-Liderkienė v. Lithuania</i> , no. 72596/01, § 42, 4 November 2008 | Art. 6 Art. 10 | (FACTS) Cited as relevant international law. |
| | | <i>Friend and Others v. the United Kingdom</i> (dec.), nos. 16072/06 and 27809/08, § 33, 24 November 2009 | Art. 8 | (FACTS) The Framework Convention is cited as background to construe the ECHR articles and cited in the applicant’s submission. |
| | | <i>Muñoz Díaz v. Spain</i> , no. 49151/07, §§ 33-34, 60 and 64, 8 December 2009 | Art. 14 Art. 1-P1 | (FACTS & LAW) The Court observes in this connection that there is an emerging international consensus amongst the Contracting States of the Council of Europe recognising the special needs of minorities and an obligation to protect their security, identity and lifestyle (see paragraph 33 above, in particular the Framework Convention). |
| | | <i>Oršuš and Others v. Croatia</i> , no. 15766/03, §§ 68-70, 159, 164, 166 and 174, 16 March 2010 | Art. 14 Art. 2-P1 | (FACTS & LAW) The Court refers to the Opinion of the Advisory Committee on the Framework Convention, according to which “ <i>pupils should not be placed in such separate remedial classes on the basis of their affiliation with a national minority but rather on the basis of the skills and needs of the individuals concerned, and where such placing is found necessary, it should be for a limited period only</i> ”. |
| | | <i>Ciubotaru v. Moldova</i> , no. 27138/04, §§ 24 and 48, 27 April 2010 | Art. 8 | (FACTS & LAW) Cited as relevant international law and used in the Government’s submission and concurrent opinion of Judge Mijovic. |

THE USE OF COUNCIL OF EUROPE TREATIES IN THE CASE-LAW OF THE EUROPEAN COURT OF HUMAN RIGHTS

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| | | | <i>Kurić and Others v. Slovenia</i> , no. 26828/06, §§ 262-263 and 325, 13 July 2010 | Art. 8 | (FACTS & LAW) The implementation of Framework Convention cited in the applicant's submission. |
| 160 | EUROPEAN CONVENTION ON THE EXERCISE OF CHILDREN'S RIGHTS | Opening for signature: 25/1/1996 Entry into force: 1/7/2000 Total number of ratifications/accessions: 16 Total number of signatures not followed by ratifications: 12 | <i>S.P., D.P. and A.T. v. the United Kingdom</i> (dec.), n° 23715/94, 20 May 1996 | Ex-art. 25 | (LAW) In its decision, the Commission referred to this treaty as part of its reason for avoiding a restrictive or technical approach to the right to petition. |
| | | | <i>Johansen v. Norway</i> , 7 August 1996, § 76, <i>Reports</i> 1996-III | Art. 8 | (LAW) In the arguments of the Government. |
| | | | <i>Case of Ignaccolo-Zenide v. Romania</i> , no.31679/96, partly dissenting opinion of Judge Maruste, 25 January 2000 | Art. 8 | (DISSENTING OPINION) "Due weight should also be given to children's views." |
| | | | <i>Eberhard and M. v. Slovenia</i> , nos. 8673/05 and 9733/05, § 120, 1 December 2009 | Art. 8 | (LAW) Referred in the applicant's submission. |
| 161 | EUROPEAN AGREEMENT TO PERSONS PARTICIPATING IN PROCEEDINGS OF THE EUROPEAN COURT OF HUMAN RIGHTS | Opening for signature: 5/3/1996 Entry into force: 1/1/1999 Total number of ratifications/accessions: 35 Total number of signatures not followed by ratifications: 6 | <i>Brennan v. the United Kingdom</i> , no. 39846/98, § 20, ECHR 2001-X | Art. 6 | (FACTS) Cited as relevant international material. |
| | | | <i>Messina c. Italie (n° 3)</i> , no. 33993/96, 24 octobre 2002 | Article 8 | (EN FAIT) Citée dans le droit et la pratique interne pertinent. |
| | | | <i>Glinov v. Ukraine</i> (dec.), no. 13693/05, 25 September 2006 | Art. 3 | (FACTS) Cited as relevant international law. |
| | | | <i>Chaykovskiy v. Ukraine</i> , no. 2295/06, § 47, 15 October 2009 | Art. 1 Art. 3 Art. 6 Art. 8 Art. 2-P7 | (FACTS) Cited as relevant international law. |
| | | | <i>Glinov v. Ukraine</i> , no. 13693/05, § 41, 19 November 2009 | Art. 3 Art. 5 Art. 8 Art. 34 | (FACTS) Cited as relevant international law. |
| | | | <i>Boris Popov v. Russia</i> , no. 23284/04, § 43, 8 October 2010 | Art. 3 Art. 5 § 1 Art. 5 § 5 | (FACTS) Cited as relevant international law. |
| 163 | EUROPEAN SOCIAL CHARTER (REVISED) | Opening for signature: 3/5/1996 Entry into force: 1/7/1999 Total number of | <i>Botta v. Italy</i> , 24 February 1998, §§ 22 and 30, <i>Reports</i> 1998-I | Art. 8 | (FACTS & LAW) Article 15 cited as relevant law. However, the reference to the revised version of the Charter in unacceptable (opened for signature 4 years after the application was lodged). |

THE USE OF COUNCIL OF EUROPE TREATIES IN THE CASE-LAW OF THE EUROPEAN COURT OF HUMAN RIGHTS

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| | | ratifications/accessions: 31 Total number of signatures not followed by ratifications: 14 | <i>Sanchez Navajas v. Spain</i> (dec.), no. 57442/00, § 2, ECHR 2001-VI | Art. 11 | (LAW) The Court reads Article 11 of the ECHR in light of Article 28 of the revised Charter. |
| | | | <i>Zehnalová and Zehnal v. the Czech Republic</i> (dec.), no. 38621/97, ECHR 2002-V | Art. 8 | (FACTS) Article 15 cited as work by the Council of Europe. See also: <i>Mólka v. Poland</i> (dec.), no. 56550/00, ECHR 2006-IV |
| | | | <i>Gheorghe c. Roumanie</i> (déc.), n° 19215/04, 22 septembre 2005 | | (EN FAIT) Référence à l'article 13 de la Charte (révisée) en tant que droit international pertinent. |
| | | | <i>Demir and Baykara v. Turkey</i> , no. 34503/97, § 35 and joint concurring opinion of Judges Türmen, Fura-Sandström and Popović, 21 November 2006 | Art. 11 | (FACTS & LAW) The Charter as evidence that there is an “ <i>organic link between freedom of association and freedom to bargain collectively</i> ”. (CONCURRING OPINION) The Charter as evidence that “ <i>the right to collective bargaining constitutes an obligation to negotiate for the possible conclusion of an agreement</i> ” and that limitations can be imposed on the police. |
| | | | <i>Demir and Baykara v. Turkey</i> [GC], no. 34503/97, §§ 45, 49, 77 and 103, 12 November 2008 | Art. 11 | (FACTS & LAW) The court quoted the revised Charter in finding that the right to organise had a negative aspect which excluded closed-shop agreements and that relationship between European and national fundamental rights systems. |
| | | | <i>Danilenkov and Others v. Russia</i> , no. 67336/01, § 102, 30 July 2009 | Art. 11 Art. 13 Art. 14 | (FACTS) Article 5 of the revised Charter cited as relevant international law. |
| | | | <i>Yordanova and Others v. Bulgaria</i> (dec.), no. 25446/06, 14 September 2010 | Art. 3 Art. 6 Art. 13 Art. 14 Art.1-P1 | (FACTS) Article 5 of the revised Charter cited as relevant international law. |
| | | | <i>Anatoliy Ponomaryov and Vitaliy Ponomaryov v. Bulgaria</i> , no. 5335/05, § 35, 21 June 2011 | Art. 14 Art. 2-P1 | (FACTS) Article 17 § 2 of the revised Charted cited as relevant international law. |
| 164 | CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND DIGNITY OF THE HUMAN BEING WITH REGARD TO THE APPLICATION OF BIOLOGY AND | Opening for signature: 4/4/1997 Entry into force: 1/12/1999 Total number of ratifications/accessions: 28 Total number of signatures not followed by ratifications: 7 | <i>Glass v. the United Kingdom</i> , no. 61827/00, § 75, ECHR 2004-II | Art. 8 | (FACTS & LAW) The Court states “ <i>that it does not consider that the regulatory framework in place in the United Kingdom is in any way inconsistent with the standards laid down in the Council of Europe’s Convention on Human Rights and Biomedicine in the area of consent</i> ”. |
| | | | <i>Demir and Baykara v. Turkey</i> [GC], no. 34503/97, § 81, 12 November 2008 | Art. 11 | (LAW) “(T)he Court took account, in interpreting Article 8 of the [ECHR], of the standards enshrined in the Oviedo Convention on Human Rights and Biomedicine.” |

THE USE OF COUNCIL OF EUROPE TREATIES IN THE CASE-LAW OF THE EUROPEAN COURT OF HUMAN RIGHTS

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| | MEDICINE: CONVENTION ON HUMAN RIGHTS AND BIOMEDICINE | | <i>I.G., M.K. and R.H. v. Slovakia</i> (dec.), no. 15966/04, 22 September 2009 | Art.3 Art. 8 Art. 12 Art. 13 | (FACTS) Cited as relevant international law. |
| | | | <i>M.A.K. and R.K. v. the United Kingdom</i> , nos. 45901/05 and 40146/06, §§ 31 and 77, 23 March 2010 | Art. 8 | (FACTS & LAW) The court refers to this convention to determine whether parental consent is required for tests conducted on the second applicant. |
| | | | <i>S. H. and Others v. Austria</i> , no. 57813/00, § 38, 1 April 2010 | Art. 8 Art. 14 | (FACTS) Cited as relevant international law. |
| | | | <i>Dobromir Borisov Daskalov and Others v. Bulgaria</i> (dec.), no. 27915/06, 3 November 2010 | Art.2 Art. 3 Art. 6 Art. 8 Art. 13 | (FACTS) Cited as relevant international law. |
| 165 | CONVENTION ON THE RECOGNITION OF QUALIFICATIONS CONCERNING HIGHER EDUCATION IN THE EUROPEAN REGION | Opening for signature: 11/4/1997 Entry into force: 1/2/1999 Total number of ratifications/accessions: 51 Total number of signatures not followed by ratifications: 4 | <i>Leyla Şahin v. Turkey</i> [GC], no. 44774/98, § 136, ECHR 2005-XI | Art. 2-P1 | (FACTS & LAW) “ <i>In a number of recently adopted instruments, the Council of Europe has stressed the key role and importance of higher education in the promotion of human rights and fundamental freedoms and the strengthening of democracy.</i> ” |
| 166 | EUROPEAN CONVENTION ON NATIONALITY | Opening for signature: 6/11/1997 Entry into force: 1/3/2000 Total number of ratifications/accessions: 20 Total number of signatures not followed by ratifications: 9 | <i>Mogos et autres c. Roumanie</i> (déc.), n° 20420/02, 6 mai 2004 | Art. 3 Art. 5§1 Art. 2-P4 | (EN FAIT) Référence aux articles 7 et 8 de cette convention en tant que droit international pertinent. En revanche, la convention n’a pas été ratifiée. Voir également: <i>Ghiban c. Allemagne</i> (déc.), n° 11103/03, 16 septembre 2004. |
| | | | <i>Riener v. Bulgaria</i> , no. 46343/99, §§ 89-91, 23 May 2006 | Art. 8 Art. 13 | (FACTS) Cited as relevant international material. |
| | | | <i>Makuc and Others v. Slovenia</i> (dec.), no. 26828/06, § 136, 31 May 2007 | Art. 8 | (FACTS) This convention has not been signed by Slovenia. |
| | | | <i>Tănase v. Moldova</i> [GC], no. 7/08, §§ 83-86 and 176-177, 27 April 2010 | Art. 3-P1 | (FACTS & LAW) This convention was considered relevant in assessing the proportionality of the restriction. |
| | | | <i>Kurić and Others v. Slovenia</i> , no. 26828/06, § 260, 13 July 2010 | Art. 8 Art. 13 Art. 14 | (FACTS) Cited as relevant international material. |

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| 167 | ADDITIONAL PROTOCOL TO THE CONVENTION ON THE TRANSFER OF SENTENCED PERSONS | Opening for signature: 18/12/1997 Entry into force: 1/6/2000 Total number of ratifications/accessions: 35 Total number of signatures not followed by ratifications: 3 | <i>Altosaar v. Finland</i> (dec.), no. 9764/03, 2 December 2003 | Art. 5 | (FACTS & LAW) This convention and its additional protocol should be used “ <i>for the benefit of the prisoner</i> ”. |
| | | | <i>Altosaar v. Finland</i> (dec.), no. 9764/03, 15 June 2004 | Art. 5 | (FACTS & LAW) In the arguments of the Government and the applicant. |
| | | | <i>Veermae v. Finland</i> (dec.), no. 38704/03, ECHR 2005-VII | Art. 5 Art. 6 Art. 14 | (FACTS & LAW) “ <i>The [ECHR] should, as far as possible, be interpreted in harmony with other rules of international law of which it forms part</i> ”, in particular the Transfer Convention and the Additional Protocol. |
| | | | <i>Grori v. Albania</i> , no. 25336/04, §§ 91-92 and 157, 7 July 2009 | Art. 5 § 1 | (FACTS & LAW) Cited as relevant international law and the Court repeats how the domestic court uses this convention in its assessment. |
| | | | <i>Garkavyy v. Ukraine</i> , no. 25978/07, §§ 46 and 76, 18 February 2010 | Art. 5 § 1 Art. 6 | (FACTS & LAW) The Court notes this Protocol is used in an earlier domestic case. See also decision on the admissibility of this case (17 February 2009). |
| 172 | CONVENTION ON THE PROTECTION OF ENVIRONMENT THROUGH CRIMINAL LAW | Opening for signature: 4/11/1998 Total number of ratifications/accessions: 1 Total number of signatures not followed by ratifications: 13 | <i>Öneryıldız v. Turkey</i> , no. 48939/99, §§ 53-54, 18 June 2002; <i>Öneryıldız v. Turkey</i> [GC], no. 48939/99, §§ 59-62, ECHR 2004-XII | Art. 6 | (FACTS) The Court refers to this treaty in connection with Article 6 to emphasize the importance of establishing as criminal offences the disposal, treatment, storage of hazardous waste likely to cause death or serious injury. |
| | | | <i>Demir and Baykara v. Turkey</i> [GC], no. 34503/97, § 82, 12 November 2008 | Art. 11 | (LAW) “ <i>In order to determine the criteria for State responsibility under Article 2 of the [ECHR] in respect of dangerous activities, the Court, in the Öneryıldız v. Turkey judgment, referred among other texts to the Convention on Civil Liability for Damage resulting from Activities Dangerous to the Environment (ETS no. 150 – Lugano, 21 June 1993) and the Convention on the Protection of the Environment through Criminal Law (ETS no. 172 – Strasbourg, 4 November 1998).</i> ” |
| | | | <i>Mangouras v. Spain</i> , no. 12050/04, § 34, 28 September 2010 | Art. 5 § 3 | (FACTS) Cited as relevant international law. |
| 173 | CRIMINAL LAW CONVENTION ON CORRUPTION | Opening for signature: 27/1/1999 Entry into force: 1/7/2002 Total number of ratifications/accessions: 43 Total number of signatures not | <i>Ramanauskas v. Lithuania</i> [GC], no. 74420/01, § 50, 5 February 2008 | Art. 6 | (FACTS & LAW) The Court makes reference to these treaties to acknowledge the importance of the use of special investigative techniques by the police. |
| | | | <i>Guja v. Moldova</i> [GC], no. 14277/04, § 45, 12 February 2008 | Art. 10 | (FACTS) Cited as relevant non-convention material. |

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| | | followed by ratifications: 7 | <i>Kaya v. Turkey</i> (dec.), no. 26623/07, 11 January 2011 | Art. 8 | (FACTS & LAW) Cited to support the legitimacy of using special investigation techniques in the fight against corruption. See also: <i>Duran and Others v. Turkey</i> (dec.), nos. 39254/07 et al., 11 January 2001, and <i>Aydođdu v. Turkey</i> (dec.), no. 25745/07, 11 January 2011. |
| 174 | CIVIL LAW CONVENTION ON CORRUPTION | Opening for signature: 4/11/1999 Entry into force: 1/11/2003 Total number of ratifications/accessions: 34 Total number of signatures not followed by ratifications: 8 | <i>Guja v. Moldova</i> [GC], no. 14277/04, §§ 46 and 72, 12 February 2008 | Art. 10 | (FACTS & LAW) Cited as relevant non-convention material. The Court refers to the Explanatory Report of this convention to point out the difficulty to detect corruption in practice. |
| 185 | CONVENTION ON CYBERCRIME | Opening for signature: 23/11/2001 Entry into force: 1/7/2004 Total number of ratifications/accessions: 31 Total number of signatures not followed by ratifications: 16 | <i>K.U. v. Finland</i> , no. 2872/02, §§ 24-26 and 48, 2 December 2008 | Art. 8 Art. 13 | (FACTS & LAW) Article 15, 18, 21 and 22 are cited as relevant international law and used by the court to exemplify cybercrime as an offense to guarantees contained in Articles 8 and 10 of ECHR. |
| 186 | ADDITIONAL PROTOCOL TO THE CONVENTION ON HUMAN RIGHTS AND BIOMEDICINE CONCERNING TRANSPLANTATION OF ORGANS AND TISSUES OF HUMAN ORIGIN | Opening for signature: 24/1/2002 Entry into force: 1/5/2006 Total number of ratifications/accessions: 12 Total number of signatures not followed by ratifications: 8 | <i>S. H. and Others v. Austria</i> , no. 57813/00, § 39, 1 April 2010 | Art. 8 Art. 14 | (FACTS) Cited as relevant international law. |
| 190 | PROTOCOL AMENDING THE EUROPEAN CONVENTION ON THE SUPPRESSION OF TERRORISM | Opening for signature: 15/5/2003 Total number of ratifications/accessions: 31 Total number of signatures not followed by ratifications: 15 | <i>A. v. the Netherlands</i> , no. 4900/06, §§ 99-100, 20 July 2010 | Art. 3 Art. 13 | (FACTS) Cited as relevant Council of Europe Materials on Terrorism. See also §§ 85 and 87 of the decision on the admissibility of this case (17 November 2009). |
| 195 | ADDITIONAL PROTOCOL TO THE CONVENTION ON HUMAN RIGHTS | Opening for signature: 25/1/2005 Entry into force: 1/9/2007 | <i>Vo v. France</i> [GC], no. 53924/00, § 84, ECHR 2004-VIII | Art. 2 | (FACTS & LAW) The Court stresses that this convention does not define the term “human being”. |

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| | AND BIOMEDICINE CONCERNING BIOMEDICAL RESEARCH | Total number of ratifications/accessions: 6 Total number of signatures not followed by ratifications: 16 | | | |
| 196 | COUNCIL OF EUROPE CONVENTION ON THE PREVENTION OF TERRORISM | Opening for signature: 16/5/2005 Entry into force: 1/6/2007 Total number of ratifications/accessions: 28 Total number of signatures not followed by ratifications: 15 | <i>Kafkaris v. Cyprus</i> [GC], no. 21906/04, § 101 and joint partly dissenting opinion of Judges Tulkens, Cabral Barreto, Fura-Sandström, Spielmann and Jebens, 12 February 2008 | Art. 3 | (FACTS & LAW) The Court “has also taken into account the increasing concern regarding the treatment of persons serving long-term prison sentences, particularly life sentences, reflected in a number of Council of Europe texts”. (DISSENTING OPINION)The Court’s assessment that there is no clear tendency in respect of the early release procedure “quite simply does not appear compatible with the relevant Council of Europe instruments”. |
| | | | <i>A. v. the Netherlands</i> , no. 4900/06, §§ 99 and 101, 20 July 2010 | Art. 3 Art. 13 | (FACTS) Cited as relevant Council of Europe Materials on Terrorism. See also §§ 85 and 87 of the decision to the admissibility of this case (17 November 2009). |
| 197 | COUNCIL OF EUROPE CONVENTION ON ACTION AGAINST TRAFFICKING IN HUMAN BEINGS | Opening for signature: 16/5/2005 Entry into force: 1/2/2008 Total number of ratifications/accessions: 34 Total number of signatures not followed by ratifications: 9 | <i>Siliadin v. France</i> , no. 73316/01, § 111, ECHR 2005-VII | Art. 4 | (FACTS & LAW) Cited as relevant international law. |
| | | | <i>Tremblay c. France</i> , no. 37194/02, §25, 11 septembre 2007 | Art. 3 Art. 4 § 2 | (EN DROIT) La Cour s’est appuyée sur le préambule de cette convention pour souligner qu’elle juge la prostitution incompatible avec les droits et la dignité de la personne humaine dès lors qu’elle est contrainte. |
| | | | <i>Rantsev v. Cyprus and Russia</i> , no. 25965/04, §§ 160, 162-174, 281- 282, 285-286, 289, 296 and 307, 7 January 2010 | Art. 4 | (FACTS & LAW) The Court uses several articles from this convention to assess the issues in the case. |
| 198 | COUNCIL OF EUROPE CONVENTION ON LAUNDERING, SEARCH, SEIZURE AND CONFISCATION OF THE PROCEEDS FROM CRIME AND ON THE FINANCING OF TERRORISM | Opening for signature: 16/5/2005 Entry into force: 1/5/2008 Total number of ratifications/accessions: 22 Total number of signatures not followed by ratifications: 12 | <i>Gabrić v. Croatia</i> , no. 9702/04, § 25, 5 February 2009 | Art. 1-P1 | (LAW) Cited in the submission of Government. |
| | | | <i>A. v. The Netherlands</i> , no. 4900/06, § 99, 20 July 2010 | Art. 3 Art. 13 | (FACTS) Cited as relevant Council of Europe Materials on Terrorism. See also: <i>A. v. the Netherlands</i> (dec), no. 4900/06, § 85, 17 November 2009. |
| 199 | COUNCIL OF EUROPE FRAMEWORK CONVENTION ON THE | Opening for signature: 22/10/2005 Total number of | <i>SCEA Ferme de Fresnoy v. France</i> (dec.), no. 61093/00, ECHR 2005-XIII | Art. 1-P1 | The Court refers in particular to the text of this convention which states in particular that the conservation of cultural heritage and its sustainable use have human development as their goal. |

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| | VALUE OF CULTURAL HERITAGE FOR SOCIETY | ratifications/accessions: 12 Total number of signatures not followed by ratifications: 5 | <i>Debelianovi c. Bulgarie</i> , n° 61951/00, §§ 40 et 54, 29 mars 2007 | Art. 1-P1 | (EN FAIT) Références aux articles 1 et 6 en tant que droit international pertinent. La Cour renvoie à la convention-cadre en ce qu'elle affirme notamment que la conservation du patrimoine culturel et architectural et son utilisation durable ont comme but le développement humain. Voir également : <i>Kozacioğlu c. Turquie</i> , no. 2334/03, §§ 19 et 33, 31 juillet 2007. |
| | | | <i>Kozacioğlu v. Turkey</i> [GC], no. 2334/03, §§ 32-33, 19 February 2009 | Art. 6 Art.1-P1 | (FACTS) Cited as relevant international law. |
| 200 | COUNCIL OF EUROPE CONVENTION ON THE AVOIDANCE OF STATELESSNESS IN RELATION TO STATE SUCCESSION | Opening for signature: 19/5/2006 Total number of ratifications/accessions: 6 Total number of signatures not followed by ratifications: 2 | <i>Makuc and Others v. Slovenia</i> (dec.), no. 26828/06, 31 May 2007 | Art. 8 | (FACTS) This convention has not entered into force. |
| | | | <i>Kurić and Others v. Slovenia</i> , no. 26828/06, § 261, 13 July 2010 | Art. 8 Art. 13 Art. 14 | (FACTS) Cited as relevant international material. This convention entered into force on 1 May 2009. Slovenia has not signed this convention. |
| 202 | EUROPEAN CONVENTION ON THE ADOPTION OF CHILDREN (REVISED) | Opening for signature: 27/11/2008 Total number of ratifications/accessions: 3 Total number of signatures not followed by ratifications: 12 | <i>Kurochkin v. Ukraine</i> , no. 42276/08, § 27, 20 May 2010 | Art. 8 | (FACTS) Cited as relevant international law. |