

a.s. 2015 -2016

## Listening comprehension

<https://www.youtube.com/watch?v=Ijdoe02cY0U&feature=plcp&context=C3494c3aUDOEgsToPDskLp5dEeCFO-YngrlLvQAe>

# THE EUROPEAN COURT FOR HUMAN RIGHTS

Fill in or answer the questions as you watch

The Court has been at its new location since \_\_\_\_\_.

What's in the centre of the main courtroom? What does it represent?

How many judges compose the Grand Chamber?

1998 A radical reform: since then \_\_\_\_\_ judges from 50 national European countries.

Historical facts: the court was established in \_\_\_\_\_. Its Mission was and still is to safeguard \_\_\_\_\_, human rights, \_\_\_\_\_ and the rule of law across Europe.

1950: Which treaty was signed?

1959: the European Court was set up with the task of examining alleged \_\_\_\_\_ of human rights.

Some examples: Freedom of \_\_\_\_\_, freedom of \_\_\_\_\_,

the right to \_\_\_\_\_, the right to \_\_\_\_\_ and the most fundamental right to \_\_\_\_\_.

The prohibition of torture is another \_\_\_\_\_ right.

The most common complaints : The right to a fair hearing; this problem is common in Poland and \_\_\_\_\_.

The court deals with social issues such as : \_\_\_\_\_  
\_\_\_\_\_

Individuals can bring complaints against \_\_\_\_\_, or one government can bring a case against another government concerning the treatment of its own people.

Rights and freedoms apply to everybody ,including \_\_\_\_\_.

How many people are protected by the convention? \_\_\_\_\_.

The court rules on whether or not there has been a \_\_\_\_\_ of the convention.

The judgements of the court are binding so the states concerned must pay \_\_\_\_\_, and make sure the same situation does not occur again. (for example by proving changes in \_\_\_\_\_)

# What is the European convention on human rights?

The Guardian Oct 2014

Drafted in 1950 and in force since 1953, the convention marked a turning point in history towards peace and diplomacy.

After the traumas of the second world war, the UN's **Universal Declaration of Human Rights** of 1948 was the first global expression of rights to which all human beings are inherently entitled. It was a turning point in history, and was a written text promoting peace and diplomacy.

Here's article 2 of the declaration:

*Everyone is entitled to all the rights and freedoms set forth in this declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty."*

The European convention on human rights was drafted by the newly formed Council of Europe in Rome on 4 November 1950. The convention for the protection of human rights and fundamental freedoms aimed to achieve greater international unity in recognising the equal rights of men and women, and to incorporate the traditions of civil liberty. It came into force on 3 September 1953. The adoption of the convention by the Council of Europe was the first step in implementing the Declaration of Human Rights in writing.

Here are 11 facts about the convention and the court that implements it:

1. **Rights and freedoms:** There are 17 key articles relating to rights and freedoms in the convention outlined in section 1 Article 2-18, which include: 2) the right to life; 3) prohibition of torture; 4) the prohibition of slavery and forced labour; 5) the right to liberty and security; 6) the right to a fair trial; 7) no punishment without law; 8) the right to respect for private and family life; 9) freedom of thought, conscience and religion and 10) freedom of expression.
2. Opponents of the court in Strasbourg often point to article 8 – the right to respect for private life and family – and article 10 – freedom of expression – which are incorporated in the British human rights act, as the main contentious aspects. This was the case when the home secretary, Theresa May, incorrectly claimed at her party conference speech in 2011 that an illegal immigrant could not be deported from the UK because of his pet cat.
3. **European court of human rights (ECtHR):** It is the international court based in Strasbourg, which was set up in 1959 and implements the convention. This is the place where rules on individual or state applications, alleging violations of civil and political rights set out in the convention, are made. It is also the physical place where rulings are made.
4. The court is responsible for monitoring respect for the human rights of 800 million Europeans within the 47 Council of Europe member states that have ratified the convention.
5. At present, 47 judges – who are elected for a non-renewable term every nine years by the parliamentary assembly of the Council of Europe – sit at the court. They are totally

independent and can not engage in any activity that would hinder their impartiality. Since the court was established, most cases have been lodged by individuals.

6. **Statistics:** There have been a total of 916 judgments which concerned the 47 Council of Europe member states, and only 1.42% of the total concerned the UK. Almost half of the judgments concerned five of the 47 member states: Russia (129), Turkey (124), Romania (88), Ukraine (69) and Hungary (41).
7. A total 797 judgements (or 87.01%) found at least one violation of the convention – including 119 judgments concerning Russia, 118 concerning Turkey, 83 concerning Romania, 65 concerning Ukraine and 50 concerning Hungary.
8. In 2013, the court had decided on 1,652 cases concerning the UK. Of these, 1,633 were declared inadmissible or struck out. That's 98.85% of cases.
9. Last year, there were 13 judgments concerning the UK, with eight judgements finding at least one violation of the convention.
10. There were 2,519 cases pending against the UK as of 1 January 2014, which includes 2,006 cases related to prisoners' right to vote. In contrast there are 16,813 pending cases concerning Russia, 14,379 concerning Italy, 13,284 concerning Ukraine, 11,230 concerning Serbia and 10,931 concerning Turkey.
11. The overall backlog of pending cases has fallen from 151,600 in 2011 to 99,900 in 2013 – a 34% decrease. This is the result of the reform process which has been under way for several years. There had been consecutive year-on-year increases of cases between 1999 and 2011.

### **Which rights are protected by the Convention?**

States that have ratified the Convention, also known as “States Parties”, have undertaken to secure and guarantee to everyone within their jurisdiction, not only their nationals, the fundamental civil and political rights defined in the Convention.

The rights and freedoms secured by the Convention include the right to life, the right to a fair hearing, the right to respect for private and family life, freedom of expression, freedom of thought, conscience and religion, and the protection of property.

The Convention prohibits, in particular, torture and inhuman or degrading treatment or punishment, slavery and forced labour, arbitrary and unlawful detention, and discrimination in the enjoyment of the rights and freedoms secured by the Convention.

### **When was the Convention adopted?**

The Convention for the Protection of Human Rights and Fundamental Freedoms, better known as the “European Convention on Human Rights”, was opened for signature in Rome on 4 November 1950; it entered into force on 3 September 1953.

The Convention gave effect to certain of the rights stated in the Universal Declaration of Human Rights and established an international judicial body with jurisdiction to find against States that do not fulfil their undertakings.

**Does the Convention evolve?** Yes. The Convention evolves especially by means of the interpretation of its provisions by the European Court of Human Rights.

Through its case-law the Court has made the Convention a living instrument; it has thus extended the rights afforded and has applied them to situations that were not foreseeable when the Convention was first adopted.

The Convention has also evolved as and when protocols have added new rights: for example in July 2003, with Protocol No. 13 concerning the abolition of the death penalty in all circumstances, or in April 2005, with Protocol No. 12 on non-discrimination.

### **What is a protocol to the Convention?**

A protocol to the Convention is a text which adds one or more rights to the original Convention or amends certain of its provisions.

Protocols which add rights to the Convention are binding only on those States that have signed and ratified them; a State that has merely signed a protocol without ratifying it will not be bound by its provisions.

To date, 14 additional protocols have been adopted.

### **Protocol No. 7 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms, E.T.S. 117, *entered into force* Nov. 1, 1988.**

#### ***Article 4***

**1. No one shall be liable to be tried or punished again in criminal proceedings under the jurisdiction of the same State for an offence for which he has already been finally acquitted or convicted in accordance with the law and penal procedure of the State.**

**2. The provisions of the preceding paragraph shall not prevent the re-opening of the case in accordance with the law and penal procedure of the State concerned, if there is evidence of new or newly discovered facts, or if there has been a fundamental defect in the previous proceedings, which could affect the outcome of the case.**