

## "European Convention on Human Rights: 50 years of growth" in Human rights information bulletin (December 2000)

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## European Convention on Human Rights: 50 years of growth

**Hans Christian Krüger, Deputy Secretary General of the Council of Europe, was Secretary of the European Commission of Human Rights from 1976 to 1997.**

When the Convention for the Protection of Human Rights and Fundamental Freedoms was negotiated, the horrors of the previous two decades were still fresh in the memory of the drafters. It was their declared intention to place the incipient movement of European unification on a basis of trust and solidarity and to provide Europe with a collective safeguard against a return to such situations where human beings' basic rights and dignity had been utterly annihilated.

On 4 November 1950 the Convention was signed in Rome by thirteen western European states, which just eighteen months before had founded the first post-war international organisation, the Council of Europe.

The originality of the Convention's control machinery lies in the fact that the protection of fundamental rights was entrusted to impartial and independent judicial bodies, initially the European Court and the European Commission of Human Rights. In subscribing to the Convention, states agreed not only to adapt their domestic law and practices to the rights and freedoms guaranteed by the Convention, but also to submit themselves to international supervision.

The Convention is not merely a catalogue of basic fundamental rights and freedoms. It constitutes a body of law which has been tested, applied and developed by the Court and the Commission for more than forty years. In their case-law, the supervisory bodies have addressed many of today's critical human rights problems, such as torture and inhuman or degrading treatment, human rights violations by police and armed forces, the limits of pre-trial detention, fair trial guarantees, press freedom, immigration, child care, access to personal data, property, the rights of illegitimate children, homosexuals and other minority groups.

### **Creative jurisprudence**

Thanks to this creative jurisprudence, the text of the Convention has constantly been adapted to the economic, political and social changes in our society. The Court's binding judgments have prompted or accelerated reforms in domestic law and practice which have strengthened the position of the individual vis-à-vis State authorities.

### **New rights**

Over the years, improvements in procedure and new rights have been added by a number of additional protocols. Protocol No. 6 prohibiting the death penalty has made Europe an execution-free zone, at least as far as Council of Europe member states are concerned. Protocol No. 11, which entered into force on 1 November 1998, abolished the two-tier system consisting of Commission and Court and made the European Court of Human Rights a permanent institution. On the occasion of this 50th anniversary, Protocol No. 12, containing a general prohibition of discrimination, will be opened for signature in Rome.

What was initially established as an international system for the collective enforcement of fundamental rights and freedoms in western Europe has developed over the last fifty years into a constitutional bill of rights for the entire continent. With over forty States Parties, its scope of application now extends from the Atlantic to the Pacific, covering an area with a population of some 800 million people. This is a highly significant achievement of European integration. It also reflects the political resolve clearly expressed by all member states of the Council of Europe for the speedy integration of all European democracies in a Europe without dividing lines.