

The treaty: European Convention on Human Rights

The Convention protects primarily civil and political rights. Its core substantive provisions are:

- Article 2 — *Right to life*
- Article 3 — *Prohibition of torture and inhuman or degrading treatment or punishment (absolute, non-derogable)*
- Article 4 — *Prohibition of slavery and forced labour*
- Article 5 — *Right to liberty and security*
- Article 6 — *Right to a fair trial — one of the most litigated provisions*
- Article 7 — *No punishment without law*
- Article 8 — *Right to respect for private and family life, home and correspondence*
- Article 9 — *Freedom of thought, conscience and religion*
- Article 10 — *Freedom of expression*
- Article 11 — *Freedom of assembly and association*
- Article 14 — *Prohibition of discrimination (in the enjoyment of Convention rights not a freestanding anti-discrimination guarantee)*
- Protocol 1, Article 1 — *Protection of property*
- Protocol 1, Article 3 — *Right to free elections*

The Convention has been supplemented by 16 Protocols.

Protocol 7 adds procedural rights in expulsion of aliens, the right of appeal in criminal matters, and equality between spouses.

Protocol 11 – Restructuring the Court - Adopted 1994 - In force 1998

Protocol 12 – extends the non-discrimination guarantee to a freestanding prohibition: you don't need to attach your discrimination claim to anything else. Discrimination is itself the violation. Under Article 14 alone, the ECtHR had to perform an often awkward two-step: find the facts brought the case "within the ambit" of a Convention right (a notoriously elastic concept), and only then examine the discrimination. Protocol 12 eliminates that threshold entirely.

Protocol 13 – abolishes the death penalty in all circumstances.

Protocol 14 – Filtering & Efficiency Adopted 2004 · In force 2010: By the early 2000s, the success of Protocol 11 in opening access to the Court had created an overwhelming backlog. Protocol 14 was designed to dramatically improve throughput without closing the door to applicants.

Protocol 15 – Subsidiarity & Margin of Appreciation - Adopted 2013 - In force 2021: Protocol 15 represents a constitutional moment in the history of the Convention. For the first time, two core doctrines governing the Court-state relationship were embedded directly into the Preamble of the ECHR.