

**COMPARATIVE TEXTS
OF DRAFTS OF
REGIONAL CONVENTIONS
ON HUMAN RIGHTS**

INTERNATIONAL COMMISSION OF JURISTS • GENEVA

**THE CENTRAL
AMERICAN DRAFT CONVENTION
ON HUMAN RIGHTS AND THE CENTRAL
AMERICAN COURT**

Introduction

The optimism of the League of Nations regarding the general acceptance of human rights could not be shared by the delegates who gathered in San Francisco to draw up the Charter of the United Nations. As a result, the Universal Declaration of Human Rights was subsequently approved and proclaimed by the General Assembly on December 10, 1948, thus supplementing the so-called economic, social and cultural rights set forth in the individual constitutions of democratic countries.

In *Bulletin* No. 17 of the International Commission of Jurists it is stated that "it would be idle to pretend that in itself the Declaration has the force of positive law: the guarded language of its Preamble and the explicit reservations that were made on this point by delegates of several countries point all too clearly to the unhappy divorce between paper declarations and reality in the field of human rights, on the municipal as well as the international law level".

The Universal Declaration disregards the essential difference existing between civil and political rights on the one hand and economic, cultural and social rights on the other.

Mr. P. Modinos, in his *Introduction to the Study of Human Rights*, gives a lucid explanation of this difference: "Civil and political rights demand that in exercising its political functions the State should respect fundamental human freedoms. It must protect the lives of its subjects, ensure equality before the courts, consult the people on the election of the legislative body. Civil and political rights enumerate, so to speak, the duties of the State towards the individual, limiting its role to observing the declared rules and maintaining the established order. Economic and social rights, on the other hand, entail heavy obligations. They oblige the State to ensure its subjects the effective exercise of their rights with respect to employment and its duration, conditions of health and safety, remuneration, rest, dismissal, vocational training and social and medical assistance."

Although from their beginnings the nations of the American continent have adopted the democratic form of government, the

first example of a convention for the protection of human rights was offered by those of Europe.

The Council of Europe, in its Convention for the Protection of Human Rights and the protocol of March 20, 1952, lists civil and political rights in much the same way as the Universal Declaration. As to their protection, however, the Council of Europe went further than the United Nations and set up machinery (the Commission and the Court) designed to decide claims that might arise through the violation of the rights recognized by the Convention.

Unlike the Universal Declaration, the Council of Europe did not include economic, social and cultural rights in the above-mentioned Convention and Protocol. The report submitted to the Consultative Committee of the Council on August 19, 1949, by Mr. Pierre-Henri Teitgen, on behalf of the Legal Committee, provided an explanation of the criterion followed and of the solution adopted. "The task facing us," the report states, "can be accomplished in three stages. We must first choose the objective that we shall attempt to achieve in the distant, near or immediate future. Naturally a desirable maximum goal, a theoretical ideal, exists. This would be to draft for Europe a complete code of all freedoms and fundamental rights; all individual freedoms and rights and all so-called social freedoms and rights. To realize this goal fully and completely, however, would be beyond our powers. We should need years of mutual understanding, joint studies and experiments even to attempt, after many years and with some hope of success, to formulate a complete and general definition of all the freedoms and all the rights that Europe could grant to all Europeans. Therefore, let us lay aside, for the moment, this desirable maximum goal. Being unable to attain it, we must content ourselves with the minimum target that we are able to achieve in the short term. This consists in defining the seven, eight or ten fundamental freedoms that are essential to democracy and that can be guaranteed by our countries to all their citizens. To reach a definition common to all these freedoms is to be preferred."

The Council of Europe, however, did not neglect other freedoms, and on October 18, 1961, it promulgated the European Social Charter relating to economic and social rights. Generally speaking, cultural rights have not been covered by either the Convention or the Social Charter, with the exception of the right of parents to educate their children according to their own religious and philosophical beliefs, as guaranteed by the provision contained in the First Protocol.

It was natural that the example offered to the world by the Council of Europe should have an impact outside Europe. Karel Vasak's article in the *International and Comparative Law*

Quarterly in October 1963 cites many examples of the repercussions it produced.

Among such examples, that offered by the American continent is beyond doubt the most interesting. At the Conference held in Bogota in 1949 the American Declaration of Human Rights and Duties was adopted. According to this Declaration, international protection of human rights should be the principal guide in the development of American law.

However, it was not until the Fifth Consultative Meeting of the Ministers of Foreign Affairs held at Santiago, Chile, in August 1959 that this idea took final shape. By Resolution VIII of the Ministers, referring to the European Human Rights Convention, the Inter-American Council of Jurists was entrusted with drawing up an American Draft Convention on Human Rights. The Council in turn appointed a committee, with the Guatemalan barrister, Carlos Garcia Bauer, as its chairman, to undertake this task; and the draft prepared by this committee was approved by the Council on September 8, 1959.

Over four years have elapsed without the Draft Convention being approved. Moreover, since Castro's assumption of power in Cuba it has been impossible to entertain any hopes that approval would be feasible in the near future. In view of this, "Freedom Through Law, Inc." has considered that the desired ideal could only be achieved by successive stages, just as the Council of Europe has succeeded in adding to its founders a growing number of members in Europe, and that the five Central American nations could, in this respect, set an example for the Western Hemisphere similar to that offered by the nations of Europe. A Draft Convention on Human Rights and the establishment of a Central American Court, which we shall examine below, was therefore drawn up.

The first thing that strikes one about this Draft Convention is that the reservations contained in the European Convention and the Draft Convention of Santiago are absent here. Given the identical nature of the traditions, interests and aspirations of the countries of Central America and the fact that a Court of Justice common to them has already existed, it would be illogical to presume that such a convention could not be accepted without reservations.

On dealing with the protection of human rights, the first question to be decided is what rights are to be protected. The three lists mentioned above – the Universal Declaration of Human Rights, the Declaration of the Council of Europe and that contained in the Draft Convention of Santiago – were taken into consideration in drawing up the Central American Draft Convention. The last of those lists served as the main basis, not only because it best represents Latin American mentality, but because it is more com-

plete than that of the Council of Europe. On the other hand, by excluding economic, social and cultural rights from the Convention, the model of the Council of Europe was followed. The reasons mentioned earlier, together with those stated in the pamphlet published by the Council on February 14, 1964, [H, (64)3], argue in favour of such an exclusion.

Although the Central American Draft Convention is based chiefly on the Santiago Convention on the grounds that it is better adapted to the democratic mentality of Latin America and that the civil and political rights it lists as deserving protection are more comprehensive, the Convention has departed from the Inter-American antecedent and followed the European model as far as the rights of property and education are concerned, considering them as falling under the heading of civil and political rights rather than that of economic, social and cultural rights.

The democratic form of government has its origins in the protection of property; although the demands of the Treasury and the thesis of the social function of property may justify certain limitations, the extreme must not be reached of suppressing property altogether if individuals are not to be totally subjugated to the State. The right of parents to educate their children springs logically from the notion of the protection of the family and is recognized both by the Santiago Draft Convention and the Draft Convention here under examination.

Article 16, after the example of the Santiago Convention, provides that citizens shall be free to move about the national territory, to choose their place of residence therein and to leave any country, and that they shall not be arbitrarily exiled. It must be a matter of some satisfaction to American jurists to note that the Protocol No. 4 signed on September 16, 1963, by the Council of Europe added these rights to the list established in the Convention and the First Protocol.

Two interesting provisions of the Santiago Convention, relating to freedom of thought and expression, have been embodied in the Central American Convention. The first, which has its *raison d'être* in American precedents unknown in Europe, forbids restrictions on freedom of expression by indirect means, such as the paper monopolies for newspapers or the use of any other means calculated to hinder circulation. The second refers to the so-called right of reply, whereby any person affected by inaccurate statements or libelled in press publications or other information media is entitled to publish in the same form his rectification or reply.

Following again the model of the Inter-American Convention, the Central American Draft Convention did not include the provision, contained in Article 17 of the European Convention, concerning subversive activities because it was considered that the

agreements adopted at Rio de Janeiro and Caracas by the Organization of American States were a sufficient safeguard in this respect.

In dealing with the right to vote the Draft Convention under review followed the Inter-American model because, unlike Article 3 of the Protocol which appears rather to impose on the signatory nations the obligation to hold free elections periodically, it recognizes the right of all citizens to vote and to be elected in periodic elections held on the basis of universal suffrage. The wording of the rule in this form can give rise to no doubts that any restriction of the right to vote of any person who is able to interpret the Constitution or who pays taxes constitutes a violation of the electoral right to vote.

With respect to the protection of human rights, the two draft conventions have followed quite closely the precedents established by the Convention of the Council of Europe. Both provide for a Commission and a Court to be set up as instruments for the protection of these rights; the Central American Draft Convention, however, had necessarily to depart from the European precedent more than the Santiago Convention. In Europe the Commission and the Court form an integral part of the Council of Europe; under the Inter-American Draft Convention they would likewise form an integral part of the Organization of American States since, on approval of that Convention, the entire machinery for the protection of human rights would be organized as an autonomous body. For this reason the Committee of Ministers of Foreign Affairs is included among the bodies entrusted with the protection of human rights.

The duties of the Commission and the conditions required for appointment to it are identical to those laid down in the Santiago Convention. However, its members are reduced to five in number and they must be appointed by the Committee of Ministers from the lists submitted to it by the Member States of the Convention.

Likewise, the provisions of the Central American Draft Convention referring to the Court are identical to those of the European Convention, except with respect to the number of judges and the method of their appointment, these provisions being identical to those laid down by the Draft Convention itself regarding the Commission.

As already mentioned, included among the agencies coming under the Central American Draft Convention is the Committee of Ministers of Foreign Affairs, whose duties are defined in Chapter III of Part II. Article 32 of the European Convention, as readers will know, stipulates that if a report of the Commission confirming a violation of common rights is not brought before the Court, the Committee of Ministers, by an absolute two-thirds majority, shall

decide whether the Convention has been violated. The Central American Draft Convention does not follow this precedent and, like that of Santiago, confines itself in this respect to stipulating publication of the Commission's report. Without firsthand knowledge of the reasons that led the authors of the two draft conventions to depart from the European precedent, one may none the less infer that this was done in the desire to restrict the settlement of violations of the Convention to the strictly judicial field and so to rule out any possible interference of political considerations or factors.

Part IV, devoted to General Provisions, provides for solutions to questions peculiar to a Central American organization and lacking, therefore, any precedents in either the European Convention or the Santiago Draft Convention.

For obvious reasons the European Convention and the Santiago Draft Convention did not have to establish the seat of the Commission or the Court, but in the case of the Central American Convention, since it does not come under the direct auspices of the Organization of American States, the procedure for establishing the seat of the Court had to be determined. It was possible that the reasons which had determined the location of the former Court of Justice were no longer valid and, consequently, the task of selecting the seat of the new Court was entrusted to the Committee of Ministers.

For the same reasons, the Central American Convention had to make provision for the expenses involved in maintaining the Commission and the Court. The contributions to budgetary expenses by the Member States of the Convention are laid down in Article 62, in proportion to their respective national budgets; and Article 63 stipulates that the Ministers of Finance of the Member States will meet in the city where the seat is established, or in any other place unanimously agreed upon, for the purpose of approving, by a majority, the draft budget submitted to them by the Committee of Ministers, being empowered at the same time to approve any modifications that they consider necessary.

The Draft Convention has also provided that the instrument of ratification of the Convention is to be deposited in the State first ratifying it. As soon as all five States have ratified the Convention, the Minister of Foreign Affairs of this State shall notify the other contracting parties that the Convention has come into force.

Human institutions tend with time to lose their original force or relevance. Legal institutions are a tangible example of this and thus the constitutions of democratic countries always make provision for reforms. Cognizance and resolution of any amendments that may be proposed to the Central American Draft Convention

fall to the Committee of Ministers; a majority of four of its members, however, is required to adopt such amendments. It is because the Committee has been so empowered that it was earlier described as the supreme organ of the Convention.

Approval of a convention for the protection of human rights will be the first step towards a uniform legal conscience on the continent. A second and perhaps more decisive step should then be taken in the field of education in order to prepare the new generation to exercise the vigilance required to protect democratic institutions. In this respect, too, an example and a precedent were offered by Europe when the Faculty of Law and Political Science of Strasbourg introduced a course in Human Rights, the first lecture of which, given by Modinos, was quoted in part above.

THE CENTRAL AMERICAN DRAFT CONVENTION COMPARED

The Central American Draft Convention on Human Rights, the text of which is given below together with those of the Inter-American Draft and European Convention on Human Rights, is being sponsored by the association "Freedom Through Law, Inc.", which has made it available to the Commission for publication.

As the International Commission of Jurists stated when publishing the Inter-American Draft Convention on Human Rights in its Journal, Vol. IV, No. 1, (Summer 1962), "the idea of guaranteeing and protecting internationally human rights by conventions of a regional rather than world-wide applicability certainly deserves close scrutiny." Likewise, one of the resolutions of the African Conference on the Rule of Law, held by the International Commission of Jurists in Lagos, Nigeria, in January 1961, and known as the Law of Lagos, reads:

That in order to give full effect to the Universal Declaration of Human Rights of 1948, this Conference invites the African Governments to study the possibility of adopting an African Convention of Human Rights in such a manner that the Conclusions of this Conference will be safeguarded by the creation of a court of appropriate jurisdiction and that recourse thereto be made available for all persons under the jurisdiction of the signatory States.¹

The purpose of reproducing side by side the three texts mentioned above is to provide the reader with documents which will enable him to make a comparison.² The Central American draft does not pretend to introduce any innovation either in conception or in the contents of this type of convention, but is simply intended as a first step, in view of the community of interests, needs and objectives existing among Central American countries, towards wider conventions, which, being more ambitious, are perhaps more difficult.

Readers are invited to give their opinion and observations to the International Commission of Jurists.

¹ *African Conference on the Rule of Law, Lagos, Nigeria, January 3-7, 1961. A report on the proceedings of the Conference. International Commission of Jurists, Geneva, 1961.*

² The texts are taken from:

(a) *Draft Convention on Human Rights and the Central-American Court*, Freedom Through Law, Inc., New York, N.Y., 1964;
(b) *Final Act of the Fourth Meeting of the Inter-American Council of Jurists*, published by Pan American Union, Washington, D.C., January 1960;
(c) For the French and English texts: *European Convention on Human Rights*, official edition of the Council of Europe.

COMPARATIVE TEXTS

CENTRAL AMERICAN¹ DRAFT CONVENTION

HUMAN RIGHTS

WHEREAS:

In resolution VIII the Fifth Consultative Meeting of Ministers of Foreign Affairs entrusted to the Inter-American Council of Jurists the preparation, at its Fourth Meeting, of a draft Convention on Human Rights and of a draft or drafts of a Convention for the creation of an Inter-American Court for the Protection of Human Rights, and of other adequate organizations appropriate for the protection and observance of those rights;

At its Fourth Meeting, the Inter-American Council of Jurists prepared a draft Convention concerning the substantive part of human rights, as well as the institutional and procedural part of these rights, including the creation and functioning of an Inter-American Court of Human Rights, and Inter-American Commission for the Protection of Human Rights, and submitted this draft to the Council of the Organization of American States for the purposes of Part I, paragraph 2 of the above-cited resolution of the Fifth Consultative Meeting;

WHEREAS:

The States of the American Continent have reaffirmed their

INTER-AMERICAN² DRAFT CONVENTION

HUMAN RIGHTS

WHEREAS:

In Resolution VIII the Fifth Meeting of Consultation of Ministers of Foreign Affairs entrusted to the Inter-American Council of Jurists the preparation, at its Fourth Meeting, of a draft Convention on Human Rights, authorizing it to refer this task, if it should not itself accomplish it, to the Council of the Organization of American States, so that the latter might commission the Inter-American Juridical Committee, or the entity it considered appropriate, to prepare the draft; and it likewise entrusted to the Council of Jurists the preparation of a draft convention or draft conventions on the Creation of an Inter-American Court for the Protection of Human Rights and of other organizations appropriate for the protection and observance of those rights; and

This Council, at its Fourth Meeting, has prepared a draft convention concerning the substantive part of human rights, as well as the institutional and procedural part of these rights, including the creation and functioning of an Inter-American Court of Human Rights and an Inter-American Commission for the Protection of Human Rights;

EUROPEAN² CONVENTION

CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

The Governments signatory hereto, being Members of the Council of Europe,

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

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

Considering that the aim of the Council of Europe is the achievement of greater unity between its Members and that one of the methods by which that aim is to be pursued is the maintenance and further realisation of Human Rights and Fundamental Freedoms;

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

Being resolved, as the Govern-

¹ American spelling is left unchanged to follow that of the Inter-American Draft Convention.

² Offic' | English text.

profound faith in the fundamental freedoms that constitute the bases of justice and peace in the world, as evidenced in the American Declaration of the Rights and Duties of Man approved by the Fourth Conference held in Bogota in 1948;

WHEREAS:

The nations of Western Europe have given a magnificent example when the Council of Europe adopted a Convention for the Protection of Human Rights and Fundamental Freedoms;

WHEREAS:

Notwithstanding the time that has elapsed the Organization of American States has not succeeded, in a manner similar to that of the European States, in approving a convention for the protection of Human Rights;

WHEREAS:

Faced with the difficulty of realizing a more ambitious project, it is possible that the States that share a greater identity of tradition, interests and aspirations, as is the case of the five Republics of Central America, may agree on a Convention for the Protection of Human Rights, particularly if we take into account that the Central American Court of Justice functioned during the space of ten years.

The following draft Convention for the Protection of Human Rights, is submitted:

The Inter-American Council of Jurists

RESOLVES:

To transmit to the Council of the Organization of American States, for the purposes of Part 1, paragraph 2, of the resolution of the Fifth Meeting of Consultation cited above, in order that it may be submitted to the Eleventh Inter-American Conference and transmitted to the governments 60 days prior to the opening of the Conference, the following:

ments of European countries which are like-minded and have a common heritage of political traditions, ideals, freedom and the rule of law, to take the first steps for the collective enforcement of certain of the Rights stated in the Universal Declaration; Have agreed as follows:

DRAFT CONVENTION ON HUMAN RIGHTS

PART I HUMAN RIGHTS

Article 1

The States Parties to this Convention undertake to respect the rights and freedoms recognized herein and to ensure to all human beings within their territory and subject to their jurisdiction the free and full exercise of these rights and freedoms without any discrimination for reasons of race, color, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or any other social condition.

CHAPTER I

Civil and political rights

Article 2

1. The right to life is inherent in the human person. This right shall be protected by law from the moment of conception. No one shall be arbitrarily deprived of his life.
2. In countries where capital punishment has not been abolished, sentence of death may be imposed only as a penalty for the most serious crimes and pursuant to the final judgment of a competent court, and in accordance with a law establishing such punishment, enacted prior to the commission of the crime.
3. In no case shall capital punishment be inflicted for political offenses.
4. Capital punishment shall not be imposed upon persons who, at the time the crime was committed, were under 18 years of age; nor shall it be applied to pregnant women.

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Article 1

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

SECTION I

Article 2

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

Article 3

1. No one shall be subjected to torture or to cruel, inhuman or degrading treatment.
2. Punishment shall not be passed on to any person other than the criminal.

Article 4

1. No one shall be subjected to slavery or to servitude, which are prohibited in all their forms, as is the slave trade.
2. No one shall be required to perform forced or compulsory labor. This provision cannot be interpreted as meaning that, in those countries, in which certain crimes can be punished by a sentence of imprisonment at forced labor, it prohibits serving such sentence imposed by a competent court.
3. Nor, for the purpose of this article, shall the term "forced or compulsory labor" include:
 - a. Any work or service normally required of a person legally detained;
 - b. Any military service and, in countries where conscientious objectors are recognized, any national service required of them by law;
 - c. Any service in cases of danger or calamity threatening the life or well-being of the community; and
 - d. Any work or service that forms part of normal civic obligations.

Article 5

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except for reasons

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Article 4

1. No one shall be held in slavery or servitude.
2. No one shall be required to perform forced or compulsory labour.
3. For the purpose of this Article the term "forced or compulsory labour" shall not include:
 - (a) any work required to be done in the ordinary course of detention imposed according to the provisions of Article 5 of this Convention or during conditional release from such detention;
 - (b) any service of a military character or, in case of conscientious objectors in countries where they are recognised, service exacted instead of compulsory military service;
 - (c) any service exacted in case of an emergency or calamity threatening the life or well-being of the community;
 - (d) any work or service which forms part of normal civic obligations.

Article 5

1. Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law:

established beforehand by law and in accordance with the procedure prescribed therein.

2. Anyone who is arrested shall be informed of the reasons for his arrest and shall be promptly notified of the charge or charges against him.

3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. Release may be subject to guarantees to assure appearance for trial.

4. Anyone who is deprived of his liberty by arrest or detention, or believes himself to be in danger of such deprivation, shall be entitled to recourse to a court, in order that such court may decide without delay on the lawfulness of his detention, or threat thereof, and if the detention is not lawful it shall order his release. This recourse may be had by another person acting in his behalf.

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(a) the lawful detention of a person after conviction by a competent court;

(b) the lawful arrest or detention of a person for non-compliance with the lawful order of a court or in order to secure the fulfilment of any obligation prescribed by law;

(c) the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;

(d) the detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority;

(e) the lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts or vagrants;

(f) the lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition.

2. Everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him.

3. Everyone arrested or detained in accordance with the provisions of paragraph 1 (c)

of this Article shall be brought promptly before a judge or other officer authorised by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial.

4. Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.

5. Everyone who has been the victim of arrest or detention in contravention of the provisions of this Article shall have an enforceable right of compensation.

Article 6

1. In the substantiation of any charge or accusation against him, or in the determination of his civil rights and obligations, everyone shall be entitled to a fair hearing.

2. Everyone accused of a criminal offense has the right to be presumed innocent until proven guilty according to law. During the trial everyone shall have the right, with full equality, to the following minimum guarantees:

- a. To be informed promptly, in a language that he understands and in detail, of the nature and cause of the accusation against him;
- b. To have adequate time and means for the preparation of his defense;
- c. To defend himself through legal counsel of his own

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Article 6

1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

2. Everyone charged with a criminal offence shall be pre-

choosing; to be informed, if he does not have legal counsel, of this right; and to have legal counsel assigned to him, if for any reason he does not name his counsel within a reasonable period of time;

d. To obtain, whenever possible, the appearance and examination of witnesses on his behalf, as well as their confrontation with the witnesses against him, and to examine, or have examined, both types of aforementioned witnesses;

e. To have the free assistance of an interpreter if he cannot understand or speak the language used in court.

f. Not to be required to testify against himself or to make a confession of guilt.

3. No one shall be tried by special courts or commissions established for that purpose.

Article 7

No one shall be convicted of any act or omission that did not constitute a criminal offense, under the applicable law, at the time it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the criminal offense was committed.

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(a) to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;

(b) to have adequate time and facilities for the preparation of his defence;

(c) to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;

(d) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(e) to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

Article 7

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the criminal offence was committed.

2. This Article shall not prejudice the trial and punishment of any person for any act or omission which, at the time

when it was committed, was criminal according to the general principles of law recognised by civilised nations.

Article 8

Everyone has the right to be protected by law against arbitrary or unlawful interference with his privacy, home or correspondence, and against attacks on his honor or reputation.

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Article 8

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

Article 9

1. Everyone shall have the right to freedom of conscience and of religion. This right shall include freedom to maintain or to change his religion or belief, and freedom, either individually or in community with others, to profess his religion or belief, in public or in private.
2. No one shall be subject to coercion that might impair his freedom to maintain or to change his religion or belief.
3. Freedom to manifest one's religion and beliefs may be subject only to the limitations prescribed by law that are necessary to protect public safety, order, health, or morals, or the fundamental rights and freedoms of others.

Article 9

1. Everyone shall have the right to freedom of conscience and of religion. This right shall include freedom to maintain or to change his religion or belief, and freedom, either individually or in community with others, to profess his religion or belief, in public or private.
2. No one shall be subject to coercion that might impair his freedom to maintain or to change his religion or belief.
3. Freedom to manifest one's religion and beliefs may be subject only to the limitations prescribed by law that are necessary to protect public safety, order, health, or morals, or the fundamental rights and freedoms of others.

Article 9

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

Article 10

1. Everyone shall have the right to freedom of thought and expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, or in print, in the form of art, or through any other medium of his choice.

2. The exercise of the right provided for in the foregoing paragraph shall not be subject to prior censorship but shall be subject to broader responsibilities, which shall be expressly established by law and be necessary to ensure:

- a. Respect for the rights or reputations of others, or
- b. The protection of national security, public order, or public health and morals.

3. The right of expression shall not be restricted by indirect methods or means, such as the use of government and private monopolies of newsprint or of equipment used in the dissemination of information or by any other means tending to block the communication and the circulation of ideas and opinions.

4. Public entertainments may be subjected by law to prior censorship, for the sole purpose of safeguarding public morality and national prestige and security.

5. Anyone, if defamed by untrue statements or libelled in the press or in other media of communication, shall have the right to have his rectification or reply published by the same medium.

- a. The law shall establish

Article 10

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- b. The protection of national security, public order or public health or morals.

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4. Public entertainments may be subjected by law to prior censorship, for the sole purpose of safeguarding public morality and national prestige or security.

Article 11

1. Anyone, if defamed by untrue statements or libeled in the press or in other media of communication, shall have the right to have his rectification

Article 10

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

limits and procedures for making use of these rights.

b. The exercise of these rights shall not impair penal action that might result from such publication.

c. For the effective protection of its honor and reputation, every publication or newspaper, motion picture or radio or television enterprise shall be represented by a responsible person who neither is protected by immunities nor enjoys special privileges.

or reply published by the same medium.

2. The law shall establish limits and procedures for making use of these rights.

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4. For the effective protection of its honor and reputation, every publication or newspaper, motion picture or radio or television enterprise shall be represented by a responsible person who neither is protected by immunities nor enjoys special privileges.

Article 11

The right of peaceful assembly, without arms, is recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and necessary in a democratic society in the interest of national security, public safety or public order, or for the protection of public health or morals, or of the rights and freedoms of others.

Article 12

1. All persons shall have the right of freedom of association.
2. No restrictions may be placed on the exercise of this right other than those prescribed by law and necessary in a democratic society in order to safeguard national security, public safety or public order, or for the protection of public health or morals, or of the rights and freedoms of others.
3. No one shall be obliged to belong to any association.

Article 12

The right of peaceful assembly, without arms, is recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and necessary in a democratic society in the interest of national security, public safety or public order, or for the protection of public health or morals, or of the rights and freedom of others.

Article 13

1. All persons shall have the right to freedom of association.
2. No restrictions may be placed on the exercise of this right other than those prescribed by law and necessary in a democratic society in the interest of national security, public safety or public order, or for the protection of public health or morals, or of the rights and freedom of others.
3. No one shall be obliged to belong to any association.

Article 11

1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.

2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.

Article 13

1. The family is the natural and fundamental unit of the State and is entitled to protection by society and the State.
2. The right of men and women to marry and to raise a family, if they meet the conditions required by national law, is recognized.
3. No marriage shall be entered into without the free and full consent of the parties to the marriage.

Article 14

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

Article 15

1. Every natural or legal person is entitled to the peaceful enjoyment of his possessions.
2. No one shall be deprived of his possessions except by reason of public or social interest and subject to prompt and fair compensation and to the conditions provided for by law and by the general principles of international law.

Article 16

Subject to any general legislative enactments of the State concerned that provide for such restrictions as may reasonably be necessary to protect national security, public safety, public health or morality, or

Article 14

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Article 15

Subject to any general legislative enactments of the State concerned that provide for such restrictions as may reasonably be necessary to protect national security, public safety, public health or morality, or

Article 12

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

Article 17

Nothing in this Convention may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth

the rights and freedoms of others and as are consistent with the other rights recognized in this Convention:

1. a. Everyone legally within the territory of a State shall have the right to: i) liberty of movement therein and ii) freedom to choose his residence;
- b. Everyone shall have the right to leave any country, including his own.
2. a. No one may be exiled arbitrarily;
- b. Subject to the preceding paragraph, everyone shall have the right to enter his own country.

Article 17

All citizens shall enjoy the following rights and opportunities, with the exceptions established by their national laws, which may not abridge the guarantees provided in Article 18 of this Convention:

- a. To take part in the conduct of public affairs, directly or through freely chosen representatives;
- b. To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and by secret ballot, which guarantees the free expression of the will of the voters;
- c. To have access, under general conditions of equality, to the public service of his country.

Article 18

All persons are equal before the law. The law shall prohibit discrimination and guarantee to all persons equal and effective protection against any

the rights and freedoms of others and as are consistent with the other rights recognized in this Convention:

1. a. Everyone legally within the territory of a State shall have the right to (i) liberty of movement therein and (ii) freedom to choose his residence;
- b. Everyone shall have the right to leave any country, including his own.
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- c. To have access, under general conditions of equality, to the public service of his country.

Article 17

All persons are equal before the law. The law shall prohibit discrimination and guarantee to all persons equal and effective protection against any

herein or at their limitation to a greater extent than is provided for in the Convention.

Article 18

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

Article 14

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, col-

discrimination for reasons of race, color, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or any other social condition.

Article 19

Everyone has the right to effective, simple, and prompt recourse to the competent national courts, to protect him against acts that violate his fundamental rights recognized by the constitution or by law.

Article 20

1. In time of public emergency, the existence of which has been officially proclaimed, the States Parties hereto may take measures suspending only to the extent required by the exigencies of the situation, their obligations contracted by virtue of this Convention, provided that such measures do not involve discriminations based solely on the grounds of race, color, sex, language, religion, or social origin.

2. The preceding provision does not authorize any suspension of the rights stipulated in Articles 2, 3, 4 (paragraph 1), and 7.

3. Any State Party hereto availing itself of the right of suspension shall immediately inform the other States Parties to the Convention, through the Committee of Ministers, of the

discrimination for reasons of race, color, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or any other social condition.

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Everyone has the right to effective, simple and prompt recourse to the competent national courts, to protect him against acts that violate his fundamental rights recognized by the constitution or by law.

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1. In time of public emergency, the existence of which has been officially proclaimed, the States Parties hereto may take measures suspending only to the extent required by the exigencies of the situation, their obligations contracted by virtue of this Convention, provided that such measures do not involve discrimination based solely on the grounds of race, color, sex, language, religion, or social origin.

2. The preceding provision does not authorize any suspension of the rights stipulated in articles 2, 3, 4 (paragraph 1), and 7.

3. Any State Party hereto availing itself of the right of suspension shall immediately inform the other States Parties to the Convention, through the Secretary General of the Or-

our, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Article 16

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

Article 13

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

Article 15

1. In time of war or other public emergency threatening the life of the nation any High Contracting Party may take measures derogating from its obligations under this Convention to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law.

2. No derogation from Article 2, except in respect of deaths resulting from lawful acts of war, or from Articles 3, 4 (paragraph 1) and 7 shall be made under this provision.

3. Any High Contracting Party availing itself of this right of derogation shall keep the Secretary-General of the Council of Europe fully informed of the measures which

provisions whose application it has suspended, the reasons that gave rise to the suspension, and the date set for the termination of such suspension.

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it has taken and the reasons therefor. It shall also inform the Secretary-General of the Council of Europe when such measures have ceased to operate and the provisions of the Convention are again being fully executed.

CHAPTER II

Economic, social and cultural rights

Article 20

All peoples and all nations shall have the right to self-determination, that is, freely to determine their political, economic, social and cultural way of life.

The right of peoples to self-determination also includes permanent sovereignty over their natural wealth and resources as one of the indispensable means for the effective realization of the rights considered in this Convention.

Article 21

The States recognize the capacity of all their inhabitants to enjoy economic, social and cultural rights.

At the same time they recognize that the exercise of these rights shall be subject only to the limitations imposed by law, to the degree compatible with the nature of such rights, and for the exclusive purpose of advancing the general welfare of a democratic society.

Article 22

Everyone has the right to employment, freely chosen, under just and satisfactory conditions, and to receive such remuneration as will ensure him

a standard of living appropriate for himself and his family. The free choice of employment shall be subject to the abilities of the person and to considerations of morality, public health, and security, in accordance with the law.

Article 23

The States shall ensure to workers of all types:

- a. The indispensable working conditions of hygiene and safety;
- b. Decent and adequate living conditions and treatment, not only for the workers, but also for their families;
- c. A reasonable limitation on working hours, the right to periodic vacations with pay, and the free use of leisure time.

Article 24

The States shall guarantee to all persons the free exercise of the right to organize, according to law, local or national organizations or labor unions, and freely to join labor unions and organizations already established, for the purpose of protecting their economic and social interests.

Article 25

The States recognize the right of all persons to social security, and for this purpose, they shall establish social insurance and social security systems that will protect them in case of declining ability, illness or death, disability or old age, unemployment, and other risks.

Article 26

Everyone has the right to establish a family, and the family has the right to be protected by law and by the State. For this purpose adequate legislative measures shall be adopted designed to:

- a. Protect the mother, especially during pregnancy, and during the period of time immediately after the child is born;
- b. Bring about conditions of health and hygiene that will reduce infant mortality and provide for the normal development of children;
- c. Prevent forced labor of children and supervise working conditions of adolescents;
- d. Promote improved housing and create a healthy family atmosphere that will provide children with a moral foundation in the home;
- e. Establish conditions favorable to ensuring the necessary medical care, preventive or curative; and
- f. Establish family allowances that will help strengthen the family economically.

Article 27

The States recognize the right of everyone to an education, which shall be based on principles of morality, liberty, tolerance, and human solidarity.

Article 28

1. Elementary education shall be compulsory, and state-provided education shall be free.
2. The States agree to make

available to everyone, under equal conditions, access to secondary and technical education, as well as to higher education and professional studies, -and they shall endeavor to provide on a gradual basis free education at all levels.

3. Parents and guardians shall have the right to choose for their minor children and wards institutions other than those established by the public authorities, in which they may not be discriminated against because of their scientific, religious, or any other convictions.

4. Private individuals may impart education of all types and at all levels, subject to the minimum requirements prescribed by law, which may not violate the human rights enumerated in this Convention. Academic freedom shall be respected.

Article 29

The States recognize the right of every person to participate in the cultural life of the community, to enjoy it and to benefit from it. The States shall protect the rights of authors of scientific, literary, or artistic works, and the rights of inventors, and shall take care to respect the freedom essential for scientific research and cultural activities.

Article 30

In order to guarantee the right of persons to an education, the States, within their economic resources, shall combat illiteracy and help one another combat it, in accordance with the programs of

co-operation approved by the States, inasmuch as the elimination of illiteracy is necessary for the proper functioning of a democratic way of life; and for the improvement of education and culture, they shall promote the exchange of publications and books, study travel, and the establishment of scholarships.

Article 31

The States shall guarantee the right to private property, and its individual or collective use, shall be subject to the interests of society, with respect at all times for the dignity of the individual and the inherent needs of family life.

Expropriation shall be legal in cases of public utility or social interest, in which case compensation shall be made.

Article 32

For the full effectiveness of the rights affirmed in this Convention, the States shall endeavor to promote a steady rate of production and an equitable distribution of goods and services, in both the social and the cultural fields, and to this end, in their respective plans, they should take into consideration their own natural resources, as well as those derived from the co-operation provided for in international agreements.

Article 33

1. No provisions of this Convention shall be interpreted as granting to any State, group, or person any right to engage in activities or to perform acts aimed at the destruction of the

rights and freedoms recognized in this Convention.

2. No restriction or lessening of any fundamental human right recognized by or in force in, a Contracting State by virtue of laws, conventions, regulations, or custom shall be permitted on the pretext that the present Convention does not recognize it or does so to a lesser extent.

3. No provisions of this Convention may be interpreted in the sense of limiting in any way the significance of the principles contained in the American Declaration of the Rights and Duties of Man, the Inter-American Charter of Social Guarantees, and the Declaration of Santiago, Chile.

4. The restrictions that may be imposed, under this Convention on the rights and freedoms recognized herein, shall not be applied for any purpose or reason other than that for which they were prescribed.

PART II ORGANS

Article 21

To ensure the observance of the commitments made by the High Contracting Parties in this Convention, there shall be established:

- a. A Central American Commission for the Protection of Human Rights, hereinafter referred to as "the Commission";
- b. A Central American Court of Human Rights, hereinafter referred to as "the Court".
- c. A Committee of Ministers

PART II ORGANS

Article 34

To ensure the observance of the commitments made by the High Contracting Parties in this Convention, there shall be established:

- a. An Inter-American Commission for the Protection of Human Rights, hereinafter referred to as "the Commission"; and
- b. An Inter-American Court of Human Rights, which shall be established in accordance with this Conven-

SECTION II

Article 19

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

1. A European Commission of Human Rights hereinafter referred to as "the Commission".
2. A European Court of Human Rights, hereinafter referred to as "the Court".

of Foreign Affairs, hereinafter referred to as "the Committee of Ministers".

PART III CHAPTER I

Central American Commission for the Protection of Human Rights

Article 22

1. The Commission shall be composed of five members and shall carry out the functions hereinafter provided for.
2. The Commission shall be composed of nationals of the States Parties to the Convention, who shall be persons of high moral prestige and recognized competence in the field of human rights. Consideration shall be given to the usefulness of the participation of persons having judicial or legal experience.
3. The members of the Commission shall serve in their capacity as individuals and shall represent all the States Parties to the Convention.

Article 23

1. The members of the Commission shall be elected by the Committee of Ministers from a list of persons possessing the qualifications prescribed in the preceding Article and nominated for the purpose by the States Parties to the Convention.
2. Each State shall nominate three persons who may be nationals of the nominating State or of any other State Party to the Convention. At no

tion, hereinafter referred to as "the Court".

PART III CHAPTER I

Inter-American Commission for the Protection of Human Rights - Its Organization and Protection of Civil and Political Rights

Article 35

1. The Commission shall be composed of seven members and shall carry out the functions hereinafter provided for.
2. The Commission shall be composed of nationals of the States Parties to the Convention, who shall be persons of high moral prestige and recognized competence in the field of human rights. Consideration shall be given to the usefulness of the participation of persons having judicial or legal experience.
3. The members of the Commission shall be elected and shall serve in their capacity as individuals. They shall represent all the States that ratify or adhere to this Convention and shall act in their name.

Article 36

1. The members of the Commission shall be elected from a list of persons possessing the qualifications prescribed in Article 35 and nominated for the purpose by the States Parties to the Convention.
2. Each State shall nominate three persons who may be nationals of the nominating State or of any other State Party to the Convention.
3. Members of the Commission may be re-elected.

SECTION III

Article 20

The Commission shall consist of a number of members equal to that of the High Contracting Parties. No two members of the Commission may be nationals of the same State.

Article 23

The members of the Commission shall sit on the Commission in their individual capacity.

Article 21

1. The members of the Commission shall be elected by the Committee of Ministers by an absolute majority of votes, from a list of names drawn up by the Bureau of the Consultative Assembly; each group of the Representatives of the High Contracting Parties in the Consultative Assembly shall put forward three candidates, of whom two at least shall be its nationals.
2. As far as applicable, the

time may more than one national of any State Party be a member of the Commission.

3. At least three months before the date of the election of the Commission, other than an election to fill a vacancy in accordance with Article 24, the Secretary of the Committee of Ministers shall address a written request to the States Parties to the Convention inviting them to submit their nominations within two months before the Secretariat of the Committee of Ministers.

4. The Secretary of the Committee of Ministers shall prepare a list in alphabetical order, of all the persons thus nominated, and shall submit it to the other members of the Committee of Ministers.

5. The President of the Committee of Ministers shall determine the date of the election and shall convene its members to hold such election. The meeting for the election shall be held at the seat of the Court or at any other place within the States Parties to the Convention if so decided by the Committee by a majority of votes.

6. The Committee of Ministers shall elect, by majority of votes, the persons who are to be members of the Commission, but it shall not elect two persons of the same nationality.

7. The Minister of Foreign Affairs may be represented by delegates especially appointed to proceed to the election.

8. The members of the Commission shall be elected for a term of four years and may be re-elected.

Article 37

1. At least three months before the date of an election of the Commission, other than an election to fill a vacancy in accordance with Article 41, the Secretary General of the Organization of American States shall address a written request to the States Parties to the Convention inviting them to submit their nominations within two months.

2. The Secretary General of the Organization of American States shall prepare a list, in alphabetical order, of all the persons thus nominated, and shall submit it to the Council of the Organization of American States and to the States Parties to the Convention.

3. The Secretary General of the Organization of American States shall request the Council of the Organization of American States to fix the date of the election of members of the Commission and to elect such members from the list referred to in the preceding paragraph, in accordance with the conditions set forth in this part of the Convention. In the voting of the Council referred to in this paragraph, only the representatives of the Signatory States that have ratified or adhered to this Convention may take part.

Article 38

1. At no time may more than one national of any State be a member of the Commission.

2. An absolute majority of states authorized to participate in the voting shall constitute the quorum required to hold these elections, pursuant to the

same procedure shall be followed to complete the Commission in the event of other States subsequently becoming Parties to this Convention, and in filling casual vacancies.

Article 22

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

preceding article.

3. The persons elected shall be those who have obtained the largest number of votes provided that they also have an absolute majority of the votes of all the representatives authorized to participate in the voting.

Article 39

1. The members of the Commission shall be elected for a term of four years and they shall be eligible for re-election if renominated. However, the terms of three of the members elected at the first election shall expire at the end of two years. Immediately after the first election the names of these three members shall be chosen by lot by the Secretary General of the Organization of American States.

2. Elections at the expiration of a term of office shall be held in accordance with the preceding articles of this part of the Convention.

Article 22

2. The members whose terms are to expire at the end of the initial period of three years shall be chosen by lot by the Secretary-General of the Council of Europe immediately after the first election has been completed.

Article 24

1. In the event of a vacancy in the Commission by reason of death, illness or resignation of one of the members or for any other reason, the President of the Commission shall immediately notify the Secretary of the Committee of Ministers, who shall declare the seat vacant from the date on which the reason for the vacancy occurred.

2. When a vacancy is declared in accordance with the provisions of the preceding paragraph, the Secretary of the Committee of Ministers shall notify each State Party to the

Article 40

In the event of the death or the resignation of a member of the Commission, the Chairman shall immediately notify the Secretary General of the Organization of American States who shall declare the seat vacant from the date of death or the date on which resignation takes effect.

Article 41

1. When a vacancy is declared in accordance with Article 40, the Secretary General of the Organization of American States shall notify each State Party to the Convention which,

Article 22

3. A member of the Commission elected to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term.

Convention, in order that, within the term of one month, they submit their list of nominees, which may not exceed the number of three, to fill the vacant seat.

3. The nominees submitted to fill the vacant seat shall be persons possessing the qualifications prescribed in Article 22, and must be of the same nationality as the member who is to be replaced.

4. The election to fill the vacant seat shall be held in conformity with Article 23.

for purposes of election to fill the vacancy on the Commission, shall, if necessary, complete within one month its list of available nominees so as to total three persons.

2. The Secretary General of the Organization of American States shall prepare a list, in alphabetical order, of the persons thus nominated and submit it to the Council of the Organization of American States and to the States Parties to the Convention. The election to fill the vacancy will then be held in accordance with Articles 37 and 38.

3. The person elected to replace a member whose term of office had not expired shall hold office for the remainder of that term. However, if such term of office should expire within six months after the declaration of the vacancy in accordance with Article 40, no nomination shall be made and no election shall be held to fill that vacancy.

Article 42

1. Subject to the provisions of Article 40, each member of the Commission shall remain in office until a successor has been elected. However, if prior to the election of such successor, the Commission should have started the examination of a case, the outgoing member, rather than his successor, shall continue to act in the matter.

2. A member of the Commission elected to fill a vacancy declared in accordance with Article 40 shall not act in any case in which his predecessor has acted, unless the quorum provided for in Article 47 cannot be obtained.

Article 22

4. The members of the Commission shall hold office until replaced. After having been replaced, they shall continue to deal with such cases as they already have under consideration.

Article 25

The members of the Commission shall receive emoluments in accordance with the amounts assigned for that purpose in the budget of the Commission and of the Court.

Article 43

The members of the Commission shall receive emoluments on such terms and under such conditions as the Council of the Organization of American States determines, having regard for the importance of the Commission's functions.

Article 44

1. The Secretary of the Commission shall be a high ranking official of the Pan American Union, elected by the Commission from a list of three names submitted by the Secretary General of the Organization of American States.
2. The candidate obtaining the largest number of votes and an absolute majority vote of all the members of the Commission shall be declared elected.
3. The Secretary General of the Organization of American States shall provide the necessary staff and facilities for the Commission and its members. The staff shall form part of the Pan American Union.

Article 26

1. The Chairman of the Committee of Ministers shall convene the initial meeting of the Commission, and shall determine the place where it is to be held.
2. After its initial meeting, the Commission shall meet:
 - a. As many times as it deems necessary;
 - b. When any matter is referred to it under Articles 28 and 29.
 - c. When convened by its Chairman or at the request of three of its members.
3. The Commission shall meet

Article 45

1. The Secretary General of the Organization of American States shall convoke the initial meeting of the Commission at the Pan American Union.
2. After its initial meeting, the Commission shall meet:
 - a. As many times as it deems necessary;
 - b. When any matter is referred to it under Articles 48 and 49; and
 - c. When convened by its Chairman or at the request of not less than four of its members.
3. The Commission shall meet

Article 35

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

at the seat of the Court or at any other city of the States Parties to the Convention, as may be decided by a majority of votes of its members.

Article 27

1. At its initial meeting the Commission shall elect its Chairman and Vice-Chairman for the period of one year, and its Secretary for a period of four years. They may all be re-elected.
2. The Commission shall establish its own rules of procedure.

Article 28

1. If a State Party to the Convention considers that another State Party thereto is not complying with any of the provisions of Part I of the Convention, it may, by written communication, bring the matter to the attention of the other State. Within three months after the receipt of the communication, the receiving State shall provide the complaining State with an explanation in writing concerning the matter, which should include, to the extent possible and pertinent, references to domestic pro-

at the seat of the Organization of American States or in any other American capital city, as decided by an absolute majority vote of all its members.

Article 47

1. The Commission shall elect its Chairman and Vice Chairman for the period of one year. They may be re-elected. The first Chairman and the first Vice Chairman shall be elected at the initial meeting of the Commission.
2. The Commission shall establish its own rules of procedure, but these rules shall provide, *inter alia*, that:
 - a. Five members shall constitute a quorum;
 - b. Decisions of the Commission shall be made by a majority vote of the members present; if the votes are equally divided the Chairman shall cast the deciding vote; and
 - c. The Commission shall hold its hearings and meetings in closed session.

Article 48

1. If a State Party to the Convention considers that another State Party thereto is not complying with any of the provisions of Part I, Chapter I, of the Convention, it may, by written communication, bring the matter to the attention of the other State. Within three months after the receipt of the communication, the receiving State shall provide the complaining State with an explanation in writing concerning the matter, which should include, to the extent possible and pertinent, references to do-

Article 33

The Commission shall meet in camera.

Article 34

The Commission shall take its decisions by a majority of the members present and voting; the Sub-Commission shall take its decisions by a majority of its members.

Article 36

The Commission shall draw up its own rules of procedure.

Article 37

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

Article 24

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

cedures and to the remedies taken, or pending, or available with respect thereto.

2. If a matter is not adjusted to the satisfaction of both Parties within six months after the receipt of the initial communication, by the State complained against, either State shall have the right to refer the matter to the Commission by means of written notification addressed to the Secretary of the Commission, and to the other State.

3. Subject to the provisions of Article 30, in serious and urgent cases the Commission may, at the request of the complaining State, deal expeditiously with the matter on the receipt of such request in accordance with the powers conferred on it by this Part of the Convention and after notifying the States concerned.

Article 29

The Commission may receive petitions addressed to it by any person or group of persons, or associations or corporations legally recognized by the public authorities in which a violation by a State Party to this Convention of any of the rights recognized in Part I thereof, is alleged to have been suffered.

mestic procedures and to the remedies taken, or pending or available with respect thereto.

2. If a matter is not adjusted to the satisfaction of both Parties within six months after the receipt of the initial communication, by the State complained against, either State shall have the right to refer the matter to the Commission by means of written notification addressed to the Secretary of the Commission, and to the other State.

3. Subject to the provisions of Article 50, in serious and urgent cases the Commission may, at the request of the complaining State, deal expeditiously with the matter on the receipt of such request in accordance with the powers conferred on it by this Part of the Convention and after notifying the States concerned.

Article 49

1. The Commission may receive petitions addressed to it by any person or group of persons, or associations or corporations legally recognized by the public authorities in which a violation by a State Party to this Convention of any of the rights recognized in Part I, Chapter I, thereof, is alleged to have been suffered.

Alternative A

2. Every State may, when it deposits its instrument of acceptance of this Convention, declare that it does not accept in whole or in part, the rules governing petitions provided for in the foregoing paragraph. In such a case the provisions of Articles 49 and 51 and the pertinent parts of Articles 52, 53, 56 and 74 insofar as they

Article 25

1. The Commission may receive petitions addressed to the Secretary-General of the Council of Europe from any person, non-governmental organization or group of individuals claiming to be the victim of a violation by one of the High Contracting Parties of the rights set forth in this Convention, provided that the High Contracting Party against which the complaint has been lodged has declared that it recognises the competence of the Commission to receive such petitions. Those of the High Contracting Parties who have made such a declaration undertake not to hinder in any way the effective exercise of this right.

2. Such declarations may be made for a specific period.

refer to petitions, shall not apply to that State.

Alternative B

2. Every State may, when it deposits its instrument of acceptance of this Convention, declare that it accepts, in whole or in part, the rules that govern petitions provided for in the preceding paragraph.

The Commission shall accept petitions only when the State against which the complaint is lodged recognizes the competence of the Commission to receive such petitions.

3. Such declarations, which may be made during a specific period, shall be deposited in the Pan American Union, which shall transmit copies of them to the signatory States to this Convention, and publish them.

4. The Commission shall exercise the powers provided for in this article when at least six of the ratifying States have committed themselves by their declarations made in accordance with paragraph 2.

3. The declarations shall be deposited with the Secretary-General of the Council of Europe who shall transmit copies thereof to the High Contracting Parties and publish them.

4. The Commission shall only exercise the powers provided for in this Article when at least six High Contracting Parties are bound by declarations made in accordance with the preceding paragraphs.

Article 30

1. Except for those cases in which justice has been denied, the Commission shall take cognizance only of matters submitted to it after all domestic remedies have been applied and exhausted, in accordance with generally recognized principles of international law, and within six months of the date of the final decision of the domestic authorities. The term of six months may be extended when it is shown, to the satisfaction of the Commission, that it has been im-

Article 50

1. Except for those cases in which justice has been denied, the Commission shall take cognizance only of matters submitted to it after all domestic remedies have been applied and exhausted, in accordance with generally recognized principles of international law, and within six months of the date of the final decision of the domestic authorities.

2. If the Commission should have knowledge that the petitioner was arbitrarily denied access to judicial remedies by

Article 26

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

possible to submit the matter within the aforementioned term.

2. If the Commission should have knowledge that the petitioner was arbitrarily denied access to judicial remedies by the authorities of his country, the Commission may accept the complaint submitted to it.

Article 31

1. The Commission shall not act on any petition submitted under Article 29, in the event that:

- a. It is anonymous; and
- b. It is substantially the same petition as one previously examined by the Commission or already submitted to another international procedure of investigation or peaceful settlement, and it contains no new facts.

2. The Commission shall consider inadmissible any petition submitted under Article 29 when it considers such petition to be incompatible with the provisions of the present Convention, manifestly groundless, or an abuse.

3. The Commission shall reject any petition addressed to it that it considers inadmissible under Article 30.

Article 32

When a case has been presented to the Commission in accordance with the provisions of Article 28 or when the Commission has acted upon a petition made in accordance with Article 29:

- a. It shall, with a view to ascertaining the facts, undertake, with prior notice to the

the authorities of his country, the Commission may accept the complaint submitted to it.

Article 51

1. The Commission shall not act on any petition submitted under Article 49, in the event that:

- a. Is is anonymous;
- b. Is is substantially the same petition as one previously examined by the Commission or already submitted to another international procedure of investigation or pacific settlement, and it contains no new facts.

2. The Commission shall consider inadmissible any petition submitted under Article 49 when it considers such petition to be incompatible with the provisions of the present Convention, manifestly groundless, or an abuse.

3. The Commission shall reject any petition referred to it that it considers inadmissible under Article 50.

Article 52

When a case has been presented to the Commission in accordance with the provisions of Article 48 or when the Commission has acted upon a petition made in accordance with Article 49:

- a. It shall, with a view to ascertaining the facts, undertake, with prior notice to

Article 27

1. The Commission shall not deal with any petition submitted under Article 25 which

- (a) is anonymous, or
- (b) is substantially the same as a matter which has already been submitted to another procedure of international investigation or settlement and if it contains no relevant new information.

2. The Commission shall consider inadmissible any petition submitted under Article 25 which it considers incompatible with the provisions of the present Convention, manifestly ill-founded, or an abuse of the right of petition.

3. The Commission shall reject any petition referred to it which it considers inadmissible under Article 26.

Article 28

In the event of the Commission accepting a petition referred to it:

- (a) it shall, with a view to ascertaining the facts, undertake together with the representatives of the parties an examination of the petition and, if need be, an investigation, for the effective con-

representatives of the parties, a critical examination of the subject matter or of the petition and, if need be, an investigation, for the effective conduct of which the States concerned shall furnish all necessary facilities, after an exchange of views with the Commission;

b. It shall place itself at the disposal of the interested parties with a view to reaching a friendly settlement of the matter on the basis of respect for human rights as defined in this Convention.

the representatives of the parties, a critical examination of the subject matter or of the petition and, if need be, an investigation, for the effective conduct of which the States concerned shall furnish all necessary facilities, after an exchange of views with the Commission;

b. It shall place itself at the disposal of the interested parties with a view to reaching a friendly settlement of the matter on the basis of respect for human rights as defined in this Convention.

duct of which the States concerned shall furnish all necessary facilities, after an exchange of views with the Commission;

(b) it shall place itself at the disposal of the parties concerned with a view to securing a friendly settlement of the matter on the basis of respect for Human Rights as defined in this Convention.

Article 29

1. The Commission shall perform the functions set out in Article 28 by means of a Sub-Commission consisting of seven members of the Commission.
2. Each of the parties concerned may appoint as members of this Sub-Commission a person of its choice.
3. The remaining members shall be chosen by lot in accordance with arrangements prescribed in the Rules of Procedure of the Commission.

Article 33

When a matter has been referred to the Commission under Article 28 or a petition submitted in accordance with Article 29 and such petition has been declared admissible, the complaining State, the State complained against, or any other State Party to the Convention, petitioning individual, or nongovernmental organization, may present statements in writing to the Commission, and shall have the right to be represented at the hearings on the matter and to make oral statements.

Article 53

If a State has referred a matter to the Commission under Article 48, or has submitted a petition in accordance with Article 49, such State, the State complained against, and any State Party to this Convention and the petitioning individual or nongovernmental entity, may present statements in writing to the Commission and shall have the right to be represented at the hearings on the matter and to make oral statements.

Article 34

The Commission is empowered to request of the interested States any information it deems pertinent to the matter under examination.

Article 54

The Commission is empowered to request of the interested States any information it deems pertinent to the matter under examination.

Article 35

If a friendly settlement has been reached in accordance with Article 32.b, the Commission shall draw up a report which shall be transmitted to the States concerned and then communicated to the Secretary of the Commission for publication. This report shall be confined to a brief statement of the facts and of the solution reached.

Article 55

If a friendly settlement has been reached in accordance with Article 52.b, the Commission shall draw up a report which shall be transmitted to the States concerned and then communicated to the Secretary General of the Organization of American States for publication. This report shall be confined to a brief statement of the facts and the solution reached.

Article 30

If the Sub-Commission succeeds in effecting a friendly settlement in accordance with Article 28, it shall draw up a Report which shall be sent to the States concerned, to the Committee of Ministers and to the Secretary-General of the Council of Europe for publication. This Report shall be confined to a brief statement of the facts and of the solution reached.

Article 36

1. If a solution is not reached, within 12 months after the receipt of the communication referred to in Article 28 or of the petition referred to in Article 29, the Commission shall draw up a report on the facts and state its conclusions. If the report does not represent in whole or in part the unanimous opinion of the members of the Commission, any member may attach to it a separate opinion. The written and oral statements made by the parties in accordance with Article 33 shall also be attached to the report.

2. The report shall be transmitted to the States concerned, which shall not be at liberty to publish it.

3. In transmitting the report, the Commission may make such proposals as it sees fit.

Article 56

1. If a solution is not reached, and not later than 12 months after the receipt of the communication referred to in Article 48 or of the petition referred to in Article 49, the Commission shall draw up a report on the facts and state its conclusions. If the report does not represent in whole or in part the unanimous opinion of the members of the Commission, any member may attach to it a separate opinion. The written and oral statements made by the parties in accordance with Article 53 shall also be attached to the report.

2. The report shall be transmitted to the States concerned, which shall not be at liberty to publish it.

3. In transmitting the report, the Commission may make such proposals as it sees fit.

Article 31

1. If a solution is not reached, the Commission shall draw up a Report on the facts and state its opinion as to whether the facts found disclose a breach by the State concerned of its obligations under the Convention. The opinions of all the members of the Commission on this point may be stated in the Report.

2. The Report shall be transmitted to the Committee of Ministers. It shall also be transmitted to the States concerned, who shall not be at liberty to publish it.

3. In transmitting the Report to the Committee of Ministers the Commission may make such proposals as it thinks fit.

Article 37

1. If the matter is not submitted to the Court and its jurisdiction accepted within three months from the date of the transmittal of the report of the Commission to the States concerned, the Commission shall decide by an absolute majority vote of its members as to whether the State complained against, or against which a petition has been presented has violated the obligations contracted under this Convention.
2. In the affirmative case the Commission shall prescribe a term during which the State Party concerned is to take the measures required by the decision of the Commission.
3. If the State Party concerned has not taken satisfactory measures within the prescribed term, the Commission shall decide by the majority of votes of its members to publish its report.

Article 38

Every member of the Commission shall, before entering upon his duties, make a solemn declaration in an open meeting of the Commission that he will exercise his power impartially and conscientiously.

Article 57

1. If the matter is not submitted to the Court and its jurisdiction accepted, in accordance with Article 74 of this Convention, within three months from the date of the transmittal of the report of the Commission, to the States concerned, the Commission shall decide by an absolute majority vote of its members as to whether the State complained against, or against which a petition has been presented has violated the obligations contracted under this Convention.
2. In the affirmative case the Commission shall prescribe a period during which the State Party concerned is to take the measures required by the decision of the Commission.
3. If the State Party concerned has not taken satisfactory measures within the prescribed period, the Commission shall decide by the majority provided for in the preceding paragraph to publish its report.

Article 46

Every member of the Commission shall, before entering upon his duties make a solemn declaration in an open meeting of the Commission that he will exercise his powers impartially and conscientiously and as a representative of all the member States of the Organization

Article 32

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

of American States that have ratified this Convention.

CHAPTER II.

Protection of economic, social, and cultural rights

Article 58

1. The States Parties hereto agree that, in order to guarantee the observance of the economic, social, and cultural rights set forth in this Convention, it is proper to adopt the following measures, apart from others provided for in international law in force in the Americas:

- a. Data or reports;
- b. Requests for information;
- c. Observations and recommendations;
- d. Studies and research, including *in loco*;
- e. Provision of technical assistance;
- f. Meetings, including those on a regional level;
- g. Agreements and conventions for co-operation in the economic, social, and cultural fields;
- h. Publicizing of measures adopted.

2. Without prejudice to the competence of other international organizations, the Commission shall have competence to:

- a. Adopt the measures provided for in subparagraphs a, b, c, d, and h of the preceding paragraph. For the effective carrying out of studies and research *in loco*, the interested States shall provide all the necessary facilities, after exchanging views with the Commission.
- b. To request, suggest, or recommend to the competent

organs of the Organization of American States or of the United Nations the adoption of any of the measures provided for in subparagraphs e, f, g, and h of the preceding paragraph.

3. The directly interested States Parties and the specialized organizations may present to the Commission, or to institutions to which it has addressed itself, in accordance with subparagraph b of the previous paragraph, their comments or observations on the recommendations made by the Commission, or on any other measure it has adopted or suggested without prejudice if such should be the case to the carrying out of such measures. [Translation error corrected in paragraph 3 – Editor.]

Article 59

1. The States Parties hereto bind themselves to inform the Commission, by means of periodic reports, of the measures adopted in order to guarantee the observance of the economic, social, and cultural rights set forth in this Convention.

2. The intervals between these reports, which shall not be less than six months or more than one year, shall be fixed by the Commission; and for their preparation the appropriate specialized organizations of the Organization of American States shall provide technical assistance to the States that request it, to the extent of their ability within their respective programs.

3. Through prior consultation with the competent specialized organizations, the Commission

may permit the afore-mentioned reports to be submitted in parts, in accordance with an established program.

4. Every State that belongs to specialized organizations shall send to these organizations a copy of the afore-mentioned reports, or of the parts pertaining to the matters in which they are competent.

5. In the case of reports that are to be presented originally to specialized organizations, the States Parties hereto shall send a copy to the Commission, or if this is not possible, shall send to them the necessary data in order to identify the reports in the files of the afore-mentioned specialized organizations.

Article 60

Without prejudice to the periodic reports referred to in Article 59, the Commission may request specific information from any of the States Parties hereto that agree to act on the request within the indicated period; and if it should be insufficient, to act on the request within the shortest possible time, in order not to nullify, through delay, the purpose of the request for information.

Article 61

1. The Commission may bring to the attention of international organizations in the fields of technical co-operation or assistance, or of any other qualified international organization, any question deriving from the reports referred to in the previous articles of this Convention in order that such organizations may decide, each one

within its own field of competence, on the advisability of adopting international measures that will contribute to the gradual application of the present Convention.

2. The Commission shall request the above-mentioned organizations to transmit to it the result of the studies carried out as well as the measures that those organizations adopt on their own initiative on the basis of the reports in question.

Article 62

On requesting, suggesting, or recommending to the competent organizations the measures that they should take, in accordance with Article 58.2.b, the Commission shall be as explicit as possible in stating the reasons for and the purposes of its request.

Article 63

When it considers it advisable the Commission shall give publicity to the measures that it has adopted or the request it has made of other organizations, for the purpose of permitting the formation of national and international public opinion thereon.

Article 64

With respect to the protection of economic, cultural, and social rights, the Commission shall adopt rules of procedure that shall guarantee to the parties the possibility of sustaining and proving their allegations.

**CHAPTER II
CENTRAL AMERICAN
COURT OF HUMAN
RIGHTS**

Article 39

1. The Central American Court of Human Rights shall be composed of five members, of which not more than two may be nationals of the same State.
2. The members of the Court shall be persons of high moral character and either possess the qualifications required for appointment to high judicial office in their respective countries, or be jurists of recognized competence.

Article 40

1. The members of the Court shall be elected by the Committee of Ministers, by a majority of votes, from a list of nominees possessing the qualifications prescribed in the preceding Article and nominated in accordance with Article 23 of the present Convention.
2. As far as applicable, the procedure provided for in Article 24 shall be followed in order to fill any vacancies that may occur.

Article 41

1. The members of the Court shall be elected for a period of nine years and they may

**PART IV
INTER-AMERICAN COURT
OF HUMAN RIGHTS**

Article 65

The Inter-American Court of Human Rights shall consist of a number of judges equal to that of the States that have ratified this Convention. No two judges may be nationals of the same State.

Article 66

1. The members of the Court shall be elected by the Council of the Organization of American States, by majority vote, from a list of persons nominated in the manner prescribed in Articles 36, 37 and 38 of this Convention.
2. As far as applicable, the procedure provided for in Article 41 shall be followed in order to complete the membership of the Court in the event of further ratifications or adherences to this Convention, and in order to fill any vacancies that occur.
3. The candidates shall be of high moral character and either possess the qualifications required for appointment to high judicial office in their respective countries or be jurists of recognized competence.

Article 67

1. The members of the Court shall be elected for a period of nine years and they may be

SECTION IV

Article 38

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

Article 39

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

Article 40

1. The members of the Court shall be elected for a period of nine years. They may be re-

be re-elected. However, the terms of two of the judges elected at the first election shall expire at the end of three years, and the terms of another two of the members shall expire at the end of six years.

2. The judges whose terms are to expire at the end of the initial terms of three and six years shall be chosen by lot by the Committee of Ministers, immediately after the first election has been completed.

3. The judges of the Court shall make the declaration provided for in Article 38 of this Convention.

Article 42

The members of the Court shall receive a compensation for each day of duty, in accordance with the budget of the Court.

Article 43

1. The President of the Committee of Ministers shall convene the initial meeting of the Court and shall determine the place where it is to be held.
2. After its initial meeting the Court shall meet at least twice a year without having to be previously convened, and also;
 - a. As many times as it deems necessary.
 - b. When any matter is referred to it under the provisions of Articles 37 and 48.

re-elected. However, the terms of one third of the judges elected at the first election shall expire at the end of three years, and the terms of another third of the judges shall expire at the end of six years.

2. The judges whose terms are to expire at the end of the initial periods of three and six years shall be chosen by lot by the Secretary General of the Organization of American States immediately after the first election has been completed.

3. The provisions of Articles 41.2, and 42 of this Convention shall be applicable to the judges of the Court.

4. The judges of the Court shall make the declaration provided for in Article 46 of this Convention.

Article 69

The members of the Court shall receive for each day of duty a compensation to be determined by the Council of the Organization of American States.

Article 70

3. The Court may meet and function in any American Capital it considers appropriate.
4. The Secretary shall have his office at the Pan American Union, subject to his duty of attending the sessions of the Court.

elected. However, of the members elected at the first election the terms of four members shall expire at the end of three years, and the terms of four more members shall expire at the end of six years.

2. The members whose terms are to expire at the end of the initial periods of three and six years shall be chosen by lot by the Secretary-General immediately after the first election has been completed.

3. A member of the Court elected to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term.

4. The members of the Court shall hold office until replaced. After having been replaced, they shall continue to deal with such cases as they already have under consideration.

Article 42

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

c. When convened by its President or at the request of three of its members.

3. The Court shall meet at its seat, but it may meet and function at any other city of the States Parties to the Convention, as decided by a majority of votes.

Article 44

1. In its initial session, the Court shall elect its President, Vice-President and Secretary for a period of three years, and they may all be re-elected.

2. The Court shall formulate regulations for the exercise of its functions. It shall draw up, in particular, its own rules of procedure.

Article 68

The Court shall elect its President and Vice President for a period of three years. They may be re-elected. It shall appoint its Secretary in the manner prescribed in Article 44 of this Convention.

Article 81

The Court shall formulate regulations for the exercise of its functions. It shall draw up, in particular, its own rules of procedure.

Article 70

1. In the event that the Court should reach a membership of more than nine judges, there shall be established, for the consideration of any matter brought before it, a Chamber of nine judges, of which the judges who are nationals of any interested state shall form a part. The other judges shall be chosen by lot by the President before the opening of the case.

2. Without prejudice to the provisions of Articles 41 and 67.3 of the present Convention, the number and nationality of the judges who have started the examination of a case shall not be altered, even though one or more States should accept this Convention after the examination has begun.

Article 41

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

Article 55

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

Article 43

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

Article 56

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

Article 45

The States Parties to the present Convention, as well as the Commission, may be parties to a case before the Court.

Article 71

The States that have ratified or adhered to this Convention, as well as the Commission on Human Rights, the latter represented by a member or members appointed therefor, may be parties to a case before the Court.

Article 44

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

Article 46

The Court shall have compulsory jurisdiction in all cases concerning the interpretation and application of Part I of the present Convention that the High Contracting Parties or the Commission submit to it, in accordance with Article 37

Article 72**Alternative A**

1. The Court shall have compulsory jurisdiction in all cases concerning the interpretation and application of Part I, Chapter I of the present Convention that the High Contracting Parties or the Commission submit to it, in accordance with Article 74.
2. Nevertheless, any of the States Parties hereto may at any time declare that it does not recognize as compulsory the jurisdiction of the Court, in whole or in part, in accordance with paragraph 1 of this article.
3. The declarations referred to in the preceding paragraph shall be presented to the Secretary General of the Organization of American States, who shall transmit copies of them to the States Parties hereto and to the Secretary of the Court.

Alternative B

1. The Court shall have jurisdiction in all cases concerning the interpretation and application of Part I, Chapter I of the present Convention that the High Contracting Parties or the Commission, submit to it in accordance with Article 74.
2. Any of the States Parties hereto may declare at any time

Article 45

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

Article 46

1. Any of the High Contracting Parties may at any time declare that it recognises as compulsory *ipso facto* and without special agreement the jurisdiction of the Court in all matters concerning the interpretation and application of the present Convention.
2. The declaration referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain other High Contracting Parties or for a specified period.
3. These declarations shall be deposited with the Secretary-General of the Council of Europe who shall transmit copies thereof to the High Contracting Parties.

that it recognizes as a matter of law, and without the need for a special convention, the jurisdiction of the Court on all matters relating to the interpretation and the application of this Convention.

3. The declarations referred to in the preceding paragraph may be made unconditionally or on the condition of reciprocity on the part of several or certain other contracting parties, or for a specific period.

4. The declarations referred to in the preceding paragraph shall be presented to the Secretary General of the Organization, who shall transmit copies of them to the States Parties hereto and to the Secretary of the Court.

Alternative C

The Court shall have compulsory jurisdiction in all cases concerning the interpretation and application of Part I, Chapter I of the present Convention that the States Parties hereto or the Commission submit to it, in accordance with Article 74.

Article 47

The Court may deal with a case only after the Commission has acknowledged that it has not been possible to reach a settlement, and the case shall be presented within the period of three months provided for in Article 37, paragraph 1.

Article 73

The Court may deal with a case only after the Commission has acknowledged that it has not been possible to reach a settlement, and the case shall be presented within the period of three months provided for in Article 57.1.

Article 47

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

Article 48

The Court may act at the request of the Commission, of a Contracting State of which the complaining individual or entity is a national, of the

Article 74

The Court may act at the request of the Commission, of a Contracting State of which the complaining individual or entity is a national, of the

Article 48

The following may bring a case before the Court, provided that the High Contracting Party concerned, if there is only one, or the High Contracting Parties

Contracting State that has referred the case to the Commission, or of the Contracting State against which the claim or petition has been lodged.

Contracting State that has referred the case to the Commission, or of the Contracting State against which the claim or petition has been lodged.

Alternative A

2. In order that the Court may exercise its jurisdiction it is necessary that the High Contracting Party against which the complaint has been directed, should not have made the declaration provided for in Article 72.2, or that it not be applicable to the case, or if applicable, that the afore-mentioned Contracting State consent to the Court's exercising jurisdiction in the case submitted to it.

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

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

Alternative B

2. In order that the Court may exercise its jurisdiction it is necessary that the High Contracting Party against which the complaint has been directed, should not have made the declaration provided for in Article 72.2, or that it be applicable to the case, or if not applicable, that the afore-mentioned Contracting State consent to the Court's exercising jurisdiction in the case submitted to it.

Alternative C

(no paragraph 2)

Article 49

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

Article 75

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

Article 49

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

Article 50

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

Article 51

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

Article 52

The judgment of the Court shall be final and may not be appealed. In case of disagreement as to the meaning or scope of the judgment, the Court shall interpret it at the request of any of the parties.

Article 53

The Contracting States undertake to abide by the decision of the Court in any case to which they are parties.

Article 54

The judgment of the Court shall be transmitted to the Committee of Ministers.

Article 76

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

Article 77

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

Article 78

The judgment of the Court shall be final, and may not be appealed. In case of disagreement as to the meaning or scope of the judgment the Court shall interpret it at the request of any of the parties.

Article 79

The Contracting States undertake to abide by the decision of the Court in any case to which they are parties.

Article 80

The judgment of the Court shall be transmitted to the Council of the Organization of American States.

Article 50

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

Article 51

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

Article 52

The judgment of the Court shall be final.

Article 53

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

Article 54

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

CHAPTER III

The Committee of Ministers of Foreign Affairs

Article 55

The Committee of Ministers shall be composed of five members, who shall be the respective Ministers of Foreign Affairs of each of the States Parties to this Convention.

Article 56

1. In its first meeting the Committee of Ministers shall elect its President and Vice-President for a period of one year, and its Secretary for a period of four years. The Minister who convenes this first meeting, in accordance with Article 64 of this Convention, shall act as the Secretary in said meeting.

2. The Committee of Ministers shall also proceed, at its first meeting, to determine the seat of the Court and of the Commission.

Article 57

1. After its initial meeting the Committee of Ministers shall meet:

a. As often as it deems necessary or as may be required under the provisions of this Convention.

b. When convened by its President, or at the request of three of its members.

2. The Committee of Ministers shall meet at the capital of the State Party to the Convention of which the President of the Committee is a national, or at any other city of the Contracting States, as decided by a majority of votes.

3. The Ministers of Foreign

Article 61

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

Affairs may be represented in the meetings held by the Committee of Ministers, by delegates especially appointed for that purpose.

Article 58

1. In addition to the functions assigned to the Committee of Ministers by the provisions of this Convention, the Committee shall also seek to ensure the enforcement of the decisions adopted by the Commission or the Court.

2. The Committee of Ministers shall also be in charge of preparing the proposed budget of the Commission and the Court to be submitted to the Ministers of Finance of the States Parties to the Convention, in accordance with Article 62 hereof.

PART IV GENERAL PROVISIONS

Article 59

The States Parties to this Convention undertake to provide, at the request of the Commission, the explanations as to the manner in which their domestic law ensures the effective application of all the provisions of the present Convention.

PART V GENERAL PROVISIONS

Article 60

The States Parties to the present Convention undertake to provide, at the request of the Commission, the explanations as to the manner in which their domestic law ensures the effective application of all the provisions of this Convention.

SECTION V

Article 57

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

Article 60

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

Article 60

In the exercise of their duties, the members of the Commission and of the Court shall enjoy diplomatic privileges and immunities.

Article 84

In the exercise of their duties, the members of the Commission and of the Court shall enjoy diplomatic privileges and immunities.

Article 59

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

Article 61

The seat of the Court and of the Commission shall be established in a city of the State Party to the Convention, as determined by the Committee of Ministers by a majority of votes.

Article 62

The States Parties to the Convention shall contribute to the expenses set forth in the budget in proportion to their respective national budgets.

Article 83

The expenses of the Commission and of the Court shall be apportioned in the manner and under the conditions determined by the Council of the Organization of American States.

Article 58

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

Article 63

The Ministers of Finance of the States Parties to the Convention shall meet at the city where the seat of the Court has been established or at any other place unanimously agreed upon, for the purpose of approving by a majority of votes the proposed budget submitted by the Committee of Ministers, and they may introduce any amendments that they may deem necessary.

PART VI SPECIAL CLAUSES

Article 64

1. The ratification of this Convention shall be made by the deposit of an instrument of ratification with the Ministry of Foreign Affairs of the first signatory State.
2. As soon as the five States of Central America have deposited their respective instruments of ratification, the Convention shall enter into force.
3. The Minister of Foreign Affairs of the depositary State shall immediately inform the other Contracting States of the entry into force of the Convention.

Article 65

Within the fifteen days subsequent to the entry into force of the Convention, the Minister of Foreign Affairs of the depositary State shall convene the others in order that within a term of not more than one month from the date of the notice of convocation, they constitute the Committee of Ministers, and hold its first meeting, establishing the place and date where and when it is to take place.

Article 85

1. This Convention shall be open for signature by and for the ratification or adherence of any member state of the Organization of American States.
2. Ratification of or adherence to this Convention shall be made by the deposit of an instrument of ratification or adherence with the General Secretariat of the Organization of American States. As soon as seven States have deposited their instruments of ratification or adherence, the Convention shall enter into force. With respect to any State that ratifies or adheres thereafter, the Convention shall enter into force on the date of the deposit of its instrument of ratification or adherence.
3. The Secretary General of the Organization shall inform all members of the Organization of the entry into force of the Convention and of the deposit of each instrument of ratification or adherence.

Article 66

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

Article 86

1. Any State may at the time of the deposit of its instrument of acceptance of this Convention, make reservations if a Constitutional or legal provision in force in its territory should be contrary to any provision of this Convention, or if its legislation should not permit of the enforcement of such provision. All reservations should be accompanied by the text of the laws referred to.
2. If reservations should be made, it shall be considered that the Convention has entered into force between the State that presented the reservations and the other Contracting Parties that accept such reservations, with respect to all the provisions of the Convention, except those that have been the subject of the said reservations. Consequently, the reserving State may not invoke, with respect to any other High Contracting Party, those provisions that were the subject of its reservations.

Article 66

1. The Contracting States may denounce the present Convention at the expiration of a five-year period starting from the date of its entry into force, and by means of notice given one year in advance. Notice of the denunciation shall be addressed to the Secretary of the Committee of Ministers, who shall so inform the other Contracting Parties.
2. Such a denunciation shall not have the effect of releasing the Contracting State concerned from the obligations contained in this Convention

Article 87

1. The Contracting States may denounce the present Convention at the expiration of a five-year period starting from the date of its entry into force, and by means of notice given one year in advance. Notice of the denunciation shall be addressed to the Secretary General of the Organization, who shall so inform the other Contracting Parties.
2. Such a denunciation shall not have the effect of releasing the Contracting State concerned from the obligations contained in this Convention in respect

Article 64

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

Article 65

1. A High Contracting Party may denounce the present Convention only after the expiry of five years from the date on which it became a Party to it and after six months' notice contained in a notification addressed to the Secretary-General of the Council of Europe, who shall inform the other High Contracting Parties.
2. Such a denunciation shall not have the effect of releasing the High Contracting Party concerned from its obligations under this Convention in re-

in respect of any act that, being capable of constituting a violation of such obligations, has been performed by that State prior to the effective date of denunciation.

of any act that, being capable of constituting a violation of such obligations, has been performed by that State prior to the effective date of denunciation.

spect or any act which, being capable of constituting a violation of such obligations, may have been performed by it before the date at which the denunciation became effective.

3. Any High Contracting Party which shall cease to be a Member of the Council of Europe shall cease to be a Party to this Convention under the same conditions.

4. The Convention may be denounced in accordance with the provisions of the preceding paragraphs in respect of any territory to which it has been declared to extend under the terms of Article 63.

Article 67

1. Any State Party to this Convention may propose an amendment and present it to the Secretary of the Committee of Ministers, who shall thereupon communicate the proposed amendment to the President of said Committee.

2. The President of the Committee shall convene the other members for the purpose of examining the proposal, and should it be approved by four-fifths parts of the members of the Committee, the amendment shall enter into force.

Article 88

1. Any State Party to this Convention may propose an amendment and present it to the Secretary General of the Organization. The Secretary General shall thereupon communicate the proposed amendment to the States Parties to the Convention, with a request that they notify him whether they favor the convocation of a Conference of the States Parties hereto, for the purpose of considering and voting upon the proposal. If at least one third of the States declare themselves in favor of such action, the Secretary General of the Organization shall convoke a conference under the auspices of the Organization of American States. Any amendment adopted by a majority of the States present and voting at the conference shall be subject to the procedure set forth in the following paragraphs.

2. Such amendments shall enter into force when they have

Article 63

1. Any State may at the time of its ratification or at any time thereafter declare by notification addressed to the Secretary-General of the Council of Europe that the present Convention shall extend to all or any of the territories for whose international relations it is responsible.

2. The Convention shall extend to the territory or territories named in the notification as from the thirtieth day after the receipt of this notification by the Secretary-General of the Council of Europe.

3. The provisions of this Convention shall be applied in such territories with due regard, however, to local requirements.

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

been approved by a two-thirds majority of the States Parties to this Convention, in accordance with their respective constitutional processes.

3. When such amendments enter into force, they shall be binding on those Parties that have accepted them, the other Parties continuing to be bound by the provisions of the Convention and by any earlier amendment that they have accepted.

4. The Court may suggest to the governments of the States Parties hereto, through the Council of the Organization of American States, the advisability of proposing amendments to the provisions of Parts III, IV and V, of this Convention.

Commission to receive petitions from individuals, non-governmental organizations or groups of individuals in accordance with Article 25 of the present Convention.

Article 62

The High Contracting Parties agree that, except by special agreement, they will not avail themselves of treaties, conventions or declarations in force between them for the purpose of submitting, by way of petition, a dispute arising out of the interpretation or application of this Convention to a means of settlement other than those provided for in this Convention.

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

Article 1

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public

interest and subject to the conditions provided for by law and by the general principles of international law.

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

Article 2

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

Article 3

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

Article 4

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

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

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

Article 5

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

Article 6

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

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