

ECHR Moot Brief: General Background to the European Convention on Human Rights

The European Convention on Human Rights was adopted under the auspices of the Council of Europe in 1950, in the context of a post-war Europe trying to prevent the atrocities of the war from happening again.

- The Convention established the European Court of Human Rights (ECtHR) based in Strasbourg (where the finals of the moots will be held!)
- Individuals who feel that their rights under the Convention have been violated can take the offending state to the Court to seek remedies –while the decisions of the Court are not automatically binding, it has the power to award damages and this makes the Convention one of the most powerful and effective human rights instruments in the world

The more prominent rights that are protected under the convention are as follows:

- Article 2: The right to life
- Article 3: Freedom from torture, and inhuman and degrading treatment and punishment
- Article 4: Freedom from slavery and forced labour
- Article 6: The right to a fair trial
- Article 8: The right to private and family life
- Article 9: Freedom of thought, conscience and religion
- Article 10: Freedom of expression
- Article 15: Possible derogations of rights in specified circumstances
- Article 18: Restrictions to rights