Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 52 (1953)[1]

Further action to be taken by Member States in connection with the European Convention on Human Rights and Protocol thereto

Parliamentary Assembly

The Assembly,

While expressing its deep satisfaction at the entry into force of the Convention for the Protection of Human Rights and Fundamental Freedoms, which constitutes an important step towards the achievement of one of the essential aims of the Council of Europe,

Recommends to the Committee of Ministers that the following recommendations should be transmitted to the Governments of Member States :

1. It is extremely desirable that those States which have not yet deposited their instruments of ratification either of the Convention or of the Protocol should do so as soon as possible, for any delay in the final acceptance of these agreements by any Member of the Council of Europe is prejudicial to the prestige of the Organisation and leads to difficulties in connection with the setting up of the European Commission of Human Rights.

2. The Assembly has, from the first, considered it essential for the protection of human rights that any person claiming to be the victim of a violation, by one of the High Contracting Parties, of his rights should be able to submit his complaint to an international organ direct, for the purpose of investigation and conciliation, without having to seek the support of a Government, whose intervention would have the effect of transforming the complaint of an individual into a dispute between States. It was this consideration which led to the institution of the European Commission of Human Rights. The Assembly strongly urges the States which have not yet done so to take the step envisaged in Article 25 of the Convention and recognise the competence of the Commission to hear individual petitions.

3. The Assembly, likewise, regards it as preferable that any complaint which the Commission considers legitimate, and which it is not able to settle by conciliation, should be referred to a judicial rather than a political organ. It, therefore, wishes to impress upon the Governments of Member States the desirability of declaring, in accordance with Article 46 of the Convention, that they accept the compulsory jurisdiction of the European Court of Human Rights.

4. Finally, the Assembly draws the attention of those Member States which are responsible for the international relations of non-metropolitan territories to the suspicion and strictures to which they would be exposing themselves if they were to reject the extension of the benefits of the Convention and Protocol to the peoples of those territories. It is, therefore, the Assembly's earnest hope that the Governments concerned will be prepared to reconsider the possibility of making a declaration such as is envisaged in Article 63 of the Convention and Article 4 of the Protocol.

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1. This Recommendation was adopted by the Assembly at its twenty-second Sitting, on 24th September, 1953 (see Doc. 205, Report of the Committee on Legal and Administrative Questions).