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# Draft Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms

**Request for an opinion**
Committee of Ministers

*Letter from the Chairman of the Committee of Ministers to the President of the Consultative Assembly.*

3rd August, 1951

" Sir,

In conformity with the desire expressed by the Consultative Assembly in its reply to the Message conveyed to it by the Committee of Ministers on the opening of its Third Ordinary Session, the Committee of Ministers has directed me to transmit to the Assembly for an opinion the text of a Protocol to the Convention on Human Rights adopted by the Committee of Ministers at its meeting on 3rd August, 1951.

The text of this Protocol is enclosed herewith.

I am, Sir, Your humble and obedient Servant.

Signed : H. LANGE. "

Draft Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms

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

Being resolved to take steps to ensure the collective enforcement of certain rights and freedoms other than those already included in Section I of the Convention for the Protection of Human Rights and Fundamental Freedoms signed at Rome on 4th November, 1950 (hereinafter referred to as " The Convention " ) ,

Have agreed as follows :

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 b y law and by the general principles of international law.

The preceding provisions shall not, however, in any way infringe 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, other contributions or penalties.

Article 2

No person shall be denied the right to education. In the exercise of any functions which it may assume in relation to education and to teaching, the State shall have regard to the right of parents to ensure the religious education of their children in conformity with their own creeds.

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 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.

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.

Done at on the day of 1951,

in English and French, both texts being equally authentic, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary-General shall transmit certified copies to each of the signatory Governments.