

PART 1: INTRODUCTION

The purpose of this document is to provide UNHCR staff and partners in Europe and beyond with a convenient and practical compilation of material relating to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms (the ECHR) as it is relevant to the international protection of refugees. It is intended to be easily usable both for training purposes and for consultation when confronted with an issue relating to the ECHR and its applicability in the refugee context.

Asylum-seekers and refugees have successfully resorted to the European Court of Human Rights (the Court) to prevent their return to territories where they fear torture, inhuman or degrading treatment or punishment and to secure additional rights such as family reunion or procedural guarantees in situations of detention. The Court has delivered a number of important Judgements on these various issues, demonstrating the links that exist between international human rights and international refugee law.

The basic international legal text for the protection of refugees and asylum-seekers is undeniably the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol to that Convention. In the face of more restrictive policies and practices put in place by States, lawyers have also been able to turn to the protections afforded by international human rights instruments, including the ECHR.

The different elements of this Manual provide essential information on how the ECHR and Court can be used to strengthen the international protection of refugees.

They comprise:

- Part 1: Introduction
- Part 2: Fact sheets on key Articles of the ECHR
- Part 3: Case studies
- Part 4: Selected case law of the ECHR
- Part 5: Biannual updates on the relevant case law of the Court (from January 2001 onwards)
- Part 6: Texts of the ECHR and selected Protocols
- Part 7: Additional materials

Taken together, this Manual is part of the follow-up process on the Agenda for Protection approved by the UNHCR Executive Committee in 2002. It can be seen as part of its Goal 1, Objective 8, of securing “enhanced respect for refugees” by making better use of and more broadly distributing public awareness and educational materials which can sensitise civil society to the situation of refugees; of Goal 1, Objective 12, of ensuring “greater respect for human rights” in the context of more resolute responses to root causes of refugee movements; and of Goal 2, Objective 7, concerning the “return and readmission of persons not in need of international protection, in a humane manner and in full respect for their human rights and dignity”.

Additional sections for insertion in the Manual will be provided periodically by the UNHCR Liaison Office in Strasbourg.

The Court considers that the ECHR is a “living instrument” to be constantly interpreted in light of the present circumstances. The UNHCR Liaison Office in Strasbourg < frast@unhcr.org > can be consulted whenever needed, as can the website of the Court < <http://www.echr.coe.int/> >, which provides the text of all Judgements and Admissibility Decisions and other relevant legal documentation.

In particular, UNHCR Field Offices should consult the UNHCR Local Office in Strasbourg, the relevant Bureau, and the Protection Policy and Legal Advice Section (PPLA) of the Department of International Protection (DIP) in Geneva, about all cases in which they may eventually become involved.

We hope that you will find this document useful. All queries should be addressed to the UNHCR Liaison Office in Strasbourg, copying the PPLA/DIP in Geneva.

**Regional Bureau for Europe and
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