

PRESIDÊNCIA DA REPÚBLICA

Decreto do Presidente da República n.º 19/2015

de 20 de fevereiro

O Presidente da República decreta, nos termos do artigo 135.º, alínea b) da Constituição, o seguinte:

É ratificado o Sexto Protocolo ao Acordo sobre Privilégios e Imunidades do Conselho da Europa, aberto à assinatura em Estrasburgo, em 5 de março de 1996, aprovado pela Resolução da Assembleia da República n.º 19/2015, em 9 de janeiro de 2015.

Assinado em 12 de fevereiro de 2015.

Publique-se.

O Presidente da República, ANÍBAL CAVACO SILVA.

Referendado em 16 de fevereiro de 2015.

O Primeiro-Ministro, *Pedro Passos Coelho*.

ASSEMBLEIA DA REPÚBLICA

Resolução da Assembleia da República n.º 19/2015

Aprova o Sexto Protocolo ao Acordo sobre Privilégios e Imunidades do Conselho da Europa, aberto à assinatura em Estrasburgo, em 5 de março de 1996

A Assembleia da República resolve, nos termos da alínea i) do artigo 161.º e do n.º 5 do artigo 166.º da Constituição, aprovar o Sexto Protocolo ao Acordo sobre Privilégios e Imunidades do Conselho da Europa, aberto à assinatura em Estrasburgo, em 5 de março de 1996, cujos textos, nas versões autenticadas nas línguas inglesa e portuguesa, se publicam em anexo.

Aprovada em 9 de janeiro de 2015.

A Presidente da Assembleia da República, *Maria da Assunção A. Esteves*.

Sixth Protocol to the General Agreement on Privileges and Immunities of the Council of Europe

The member States of the Council of Europe, signatories hereto,

Having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms, signed at Rome on 4 November 1950 (hereinafter referred to as «the Convention»);

Having regard to Protocol No. 11 to the Convention, restructuring the control machinery established thereby, signed at Strasbourg on 11 May 1994 (hereinafter referred to as «Protocol No. 11 to the Convention»), which establishes a permanent European Court of Human Rights (hereinafter referred to as «the Court») to replace the European Commission and Court of Human Rights;

Also having regard to Article 51 of the Convention which specifies that judges are 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;

Recalling the General Agreement on Privileges and Immunities of the Council of Europe, signed at Paris on 2 September 1949 (hereinafter referred to as «the General Agreement»), and its Second, Fourth and Fifth Protocols;

Considering that a new Protocol to the General Agreement is advisable to accord privileges and immunities to the judges of the Court;

Have agreed as follows:

Article 1

In addition to the privileges and immunities specified in Article 18 of the General Agreement, judges shall be accorded in respect of themselves, their spouses and minor children the privileges and immunities, exemptions and facilities accorded to diplomatic envoys in accordance with international law.

Article 2

For the purposes of this Protocol, the term «judges» means judges elected in accordance with Article 22 of the Convention as well as any *ad hoc* judge appointed by a State Party concerned in pursuance of Article 27, paragraph 2, of the Convention.

Article 3

In order to secure for the judges complete freedom of speech and complete independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer engaged in the discharge of such duties.

Article 4

Privileges and immunities are accorded to judges not for the personal benefit of the individuals themselves but in order to safeguard the independent exercise of their functions. The plenary Court alone shall be competent to waive the immunity of judges; it has not only the right, but is under a duty, to waive the immunity of a judge in any case where, in its opinion, the immunity would impede the course of justice, and where it can be waived without prejudice to the purpose for which the immunity is accorded.

Article 5

1 — The provisions of Articles 1, 3 and 4 of this Protocol shall apply to the Registrar of the Court and a Deputy Registrar formally notified as Acting Registrar to the States Parties to the Convention.

2 — The provisions of Article 3 of this Protocol and Article 18 of the General Agreement shall apply to a Deputy Registrar of the Court.