

The European Convention on Human Rights and Social Security Law

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The European Convention on Human Rights and the case law of the European Court of Human Rights are of increasing importance in the area of social security. This book provides a practical guide to the social security issues which have been considered by the Court of Human Rights and to give an overview of how these have been analysed by the Court. In addition, some examples are given as to how the provisions of the Convention have been interpreted by a range of national courts. Issues examined include

- who can be considered to be a “victim of a violation” of a right under the Convention in order to bring a claim before the Court and the time limit for bringing a claim.
- the right to property (or possessions) set out in Article 1 of Protocol 1 to the Convention which provides the largest body of case law concerning social security brought before the Court.
- the right to life; rights as to inhuman or degrading treatment; and prohibition of slavery and forced labour (set out in Articles 2, 3 and 4 of the Convention).
- the extensive case law concerning the right to a fair hearing (Article 6) and the much more limited case law on the right to an effective remedy (Article 13) the right to respect for private and family life, home and correspondence (set out in Article 8) and the related right to marry and found a family (established in Article 12).
- freedom of thought, conscience and religion, and freedom of expression, and of association (in Articles 9, 10 and 11)
- the non-discrimination clause of the Convention (article 14)
- issues concerning residence and nationality including liberty of movement and freedom to choose one’s residence (Article 2 of Protocol 4), and
- the developing relationship between the European Convention on Human Rights and EU law and the extent to which developments in one area of law influence those of the other.

TABLE OF CASES

INTRODUCTION

CHAPTER 1. VICTIM OF A VIOLATION AND ADMISSIBILITY

Victim of a violation

Time limits

CHAPTER 2. THE RIGHT TO LIFE; RIGHTS AS TO INHUMAN OR DEGRADING TREATMENT; AND PROHIBITION OF SLAVERY AND FORCED LABOUR

Right to life

Inhuman or degrading treatment

Prohibition of slavery and forced labour

Conclusion

CHAPTER 3. SOCIAL SECURITY AS A POSSESSION

General approach

Does the matter in dispute fall within the scope of P1-1?

Does a sufficient "claim" to the possession exist in order to engage P1-1?

Is there interference with the peaceful enjoyment of the property right and if so, is this in accordance with the public interest and subject to law?

Insurability and the obligation to pay contributions

Limitation on benefits to self-employed workers

Residence

Calculation of pensions and benefits

Overlapping of benefits with income from other sources

Loss of pension as a result of criminal conviction

Change of regime cases

Late payment of benefits

Conclusion

CHAPTER 4. RESPECT FOR PRIVATE AND FAMILY LIFE, HOME AND CORRESPONDENCE; RIGHT TO MARRY AND FOUND A FAMILY

General approach

When does Article 8 apply?

Is there interference with the right to respect and is this justified?

Is there interference?

Is any interference justified?

Right to marry

Conclusion

CHAPTER 5. NON DISCRIMINATION

Grounds of discrimination

Approach to discrimination

Nationality and residence

Nationality and residence requirements

Export of benefits

Gender

Other grounds

Conclusion

CHAPTER 6. FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION, AND FREEDOM OF EXPRESSION, AND OF ASSOCIATION

Freedom of thought, conscience and religion

The approach of the US supreme court

Freedom of expression

Freedom of association

CHAPTER 7. LIBERTY OF MOVEMENT AND FREEDOM OF RESIDENCE

Introduction

Social security outside the 'home' state

Social security for persons with restricted rights of residence

Income requirements as a condition of residence

Liberty of movement within the state and the right to leave

Conclusion

CHAPTER 8. ACCESS TO THE COURTS

The scope of Article 6.1

To which jurisdictions does Article 6 apply?

Dispute as to civil rights and obligations

The content of "civil rights" v. procedural bars

A fair hearing

Right to be heard

Commenting on reports

Legal aid

Adequate reasons

A public hearing

Reasonable time

By an independent and impartial tribunal

Implementation of the decision

Interference with the judicial process

Article 6.2 and 6.3

Article 13

Conclusion

CHAPTER 9. THE RELATIONSHIP BETWEEN THE EUROPEAN CONVENTION ON HUMAN RIGHTS AND EU LAW

The influence of the Convention of Human Rights on EU law

Early developments

Recent approach

Transsexuals cases

The impact of EU law of the European Convention on Human Rights

Equal treatment in social security

Equality: Human rights v EU law

Conclusion

ANNEX: DATES OF RATIFICATION OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS AND ADDITIONAL PROTOCOLS