

The background of the book cover is a close-up, low-angle shot of the European Union flag. It features a deep blue field with several large, golden-yellow five-pointed stars. The stars are partially cut off by the edges of the frame, creating a sense of depth and scale. The lighting is bright, causing some lens flare and highlighting the texture of the flag's fabric.

OXFORD

JACOBS, WHITE, & OVEY

# The European Convention on Human Rights

FIFTH EDITION

*Robin C.A. White & Clare Ovey*

JACOBS, WHITE, AND OVEY  
THE EUROPEAN  
CONVENTION ON  
HUMAN RIGHTS

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ROBIN C A WHITE AND CLARE OVEY

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# CONTENTS

<i>Foreword</i>	xvii
<i>Preface to the Fifth Edition</i>	xix
<i>A Note on Citation Conventions</i>	xxiii
<i>Table of Judgments and Decisions of the Court of Human Rights</i>	xxv
<i>Table of Decisions and Reports of the Commission of Human Rights</i>	lv
<i>Table of Treaties and Related Documents</i>	lxi
<i>Table of Cases</i>	lxvii
<i>Table of Cases before the European Court of Justice (ECJ)</i>	lxix
<i>Abbreviations</i>	lxxi

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## PART 1 INSTITUTIONS AND PROCEDURES

<b>1 CONTEXT, BACKGROUND, AND INSTITUTIONS</b>	<b>3</b>
Context	3
The structure and aims of the Council of Europe	5
The content of the European Convention	7
Is there a hierarchy of rights?	8
The system of protection	10
The role of the Secretary-General of the Council of Europe	14
The Commissioner for Human Rights	16
Other human rights instruments of the Council of Europe	17
Relationship with other international courts and tribunals	18
Concluding remarks	18
<b>2 PROCEEDINGS BEFORE THE COURT</b>	<b>20</b>
Introduction	20
Composition and general procedure	21
Procedure prior to the decision on admissibility	24
Examination of admissibility: procedural issues	27
Conditions of admissibility	30
Judgment	41
Remedies under Article 41	44

Advisory opinions of the European Court of Human Rights	45
Protocol 14 and Protocol 14bis	47
Concluding remarks	49
Appendix	51
<b>3 SUPERVISING THE ENFORCEMENT OF JUDGMENTS</b>	52
Introduction	52
Composition and procedure	53
The execution of judgments	55
The role of the Parliamentary Assembly	60
Sanctions	61
Concluding remarks	63
<b>4 INTERPRETING THE CONVENTION</b>	64
Introductory remarks	64
The influence of the Vienna Convention	65
The principle of effectiveness: the bedrock of evolutive interpretation	73
Approaches and ideologies, and the margin of appreciation	78
Concluding remarks	81
Appendix	82
<b>5 THE SCOPE OF THE CONVENTION</b>	84
General scope of the Convention	84
Temporal scope	87
The concept of jurisdiction in Article 1 of the Convention	89
Liability for acts of international organizations	94
Other issues relating to territorial scope	97
The nature of a State's positive obligations	99
The status of the Convention in the United Kingdom	102
Concluding remarks	105
<b>6 RESERVATIONS AND DEROGATIONS</b>	106
Introduction	106
Reservations	106
Derogations in emergency situations	112
Prohibition of abuse of rights	122
Limitation on use of restrictions on rights	127

## PART 2 CONVENTION RIGHTS

<b>7 THE RIGHT TO AN EFFECTIVE REMEDY</b>	131
Introduction	131
What is an arguable complaint?	134
The nature of the remedies required	135
Violations by persons in an official capacity	141
Concluding remarks	142
<b>8 THE RIGHT TO LIFE</b>	143
Introduction	143
The death penalty and the extraterritorial application of the right to life	144
Prohibition of intentional killing by the State	145
Death in custody and forced disappearance	147
Responding to internal armed insurgency: the case of Chechnya	150
The positive obligation to protect life	152
The duty to investigate suspicious deaths	156
Medical termination of pregnancy and the rights of the unborn child	162
Euthanasia and the quality of life	165
Concluding remarks	166
<b>9 PROHIBITION OF TORTURE</b>	167
Introduction	167
Defining the terms	168
Positive obligations	175
Evidential issues	177
Extraterritorial effect	179
Disappearances	182
Destruction of homes and possessions	184
Corporal punishment	184
Acts in the course of arrest and police detention	185
Conditions of detention	187

European Convention for the Prevention of Torture	192
Concluding remarks	194
<b>10 PROTECTION FROM SLAVERY AND FORCED LABOUR</b>	195
Introduction	195
Slavery or servitude	196
Positive obligations	198
Forced or compulsory labour	198
Prison labour	201
Military service	202
Emergencies	204
Civic obligations	204
Article 4 and Article 14	206
Consent	207
Concluding remarks	208
<b>11 PERSONAL LIBERTY AND SECURITY</b>	209
Introduction	209
What amounts to a deprivation of liberty?	210
The concept of arbitrariness	212
Positive obligations	213
Notification of the reasons for arrest or detention	214
The lawfulness of the deprivation of liberty	215
Permitted pre-trial detention	217
The remaining permitted grounds of detention	224
Testing the legality of the detention	236
An enforceable right to compensation	240
Concluding remarks	240
<b>12 THE RIGHT TO A FAIR TRIAL IN CIVIL AND CRIMINAL CASES</b>	242
Introduction	242
The scope of Article 6(1)	243
Right of access to court	254
The effectiveness of court proceedings	259
The overall requirements of a fair hearing	260

The specific requirements of Article 6(1)	266
Extraterritorial effect	274
Waiving rights	276
Concluding remarks	276
<b>13 ASPECTS OF THE CRIMINAL PROCESS</b>	278
Introduction	278
The scope of Article 6(2) and (3)	278
Fair trial guarantees in criminal cases	279
The principle of legality	296
Protocol 7	304
<b>14 LIMITATIONS COMMON TO ARTICLES 8–11</b>	308
Introduction	308
Inherent limitations	309
Express limitations: some general points	310
A required legal basis for the interference	312
Specified legitimate aims	315
The limitation must be necessary in a democratic society	325
The political activities of aliens	333
Concluding remarks	333
<b>15 PROTECTING FAMILY LIFE</b>	334
Introduction	334
Defining family life	335
Positive obligations and family life	337
Custody, access, and care proceedings	338
The right to adopt	343
Inheritance rights	344
The family life of non-nationals	344
The family life of prisoners	351
The right to marry and found a family	353
Equality between spouses	355
Concluding remarks	355

xii	CONTENTS
16 PROTECTING PRIVATE LIFE, THE HOME, AND CORRESPONDENCE	357
Introductory remarks	357
Definitions	358
Positive obligations and private life	361
Freedom from interference with physical and psychological integrity	363
The collection, storage, and use of personal information	374
Freedom to develop one's identity	377
Immigration issues and private life	389
Health and medical procedures	390
Protection of one's living environment	394
Protection of the home	397
Protection of prisoners' correspondence	398
Concluding remarks	401
17 FREEDOM OF THOUGHT, CONSCIENCE, AND RELIGION	402
Introduction	402
The scope of Article 9	403
The manifestation of religion or belief	409
Manifestation of religion and belief by prisoners	414
Conscientious objection to military service	416
Participation in national life	418
The recognition and authorization of religious organizations	418
Positive obligations	422
Concluding remarks	423
18 FREEDOM OF EXPRESSION	425
Introduction	425
What constitutes an interference with free expression?	427
Limitations on freedom of expression	428
Incitement to violence and hate speech	429
The press as the 'watchdog' of democracy	432
The conflict with the right to privacy	436
Severity of any penalty	439
Legal aid to defend defamation proceedings	440
Confidential information	440

CONTENTS	xiii
Whistle-blowers	441
Obscenity and blasphemy	444
Advertisements	447
Broadcasting	448
Positive obligations	449
Concluding remarks	450
19 FREEDOM OF ASSEMBLY AND ASSOCIATION	451
Introduction	451
Positive obligations	452
Peaceful protest	453
Defining associations	461
Registration	462
Political parties	463
Other associations	467
Trade unions	469
Restrictions on particular groups of workers	474
Concluding remarks	475
20 PROTECTION OF PROPERTY	477
Introduction	477
Positive obligations	479
Defining possessions	481
Deprivation of property	488
Controlling the use of property	500
Other interferences with peaceful enjoyment of possessions	503
Concluding remarks	505
21 THE RIGHT TO EDUCATION	506
Introduction	506
The right to education	507
Regulating education	510
Safeguarding pluralism in education	512
Education for convicted prisoners	518
Concluding remarks	518

## 22 THE RIGHT TO FREE ELECTIONS

Introduction

Implied restrictions

What is the legislature?

Electoral systems

The right to vote

The right to stand for election

Concluding remarks

## 23 FREEDOM OF MOVEMENT

Introduction

Movement and residence

The prohibition of expulsion of nationals

The right of entry to the territory of the state of nationality

Prohibiting the collective expulsion of aliens

Expulsion only to follow due process

Concluding remarks

## 24 FREEDOM FROM DISCRIMINATION

Introduction

Positive obligations

Conceptual issues

The Court's methodology

Does the complaint of discrimination fall within the scope of a protected right?

Is the alleged reason for the discrimination one of the grounds listed in Article 14?

Can the applicants properly compare themselves with another class of persons which is treated more favourably?

Is the difference of treatment capable of objective and reasonable justification?

Discrimination and minorities

The burden of proof under Article 14

Protocol 12: a general prohibition of discrimination

Concluding remarks

519

519

521

522

524

527

529

532

533

533

534

540

542

542

544

545

546

546

547

548

551

554

556

558

560

564

566

567

568

## PART 3 REFLECTIONS

## 25 RESULTS AND PROSPECTS

Introductory remarks

Results

Prospects

Final remarks

*Appendix: Text of the European Convention and Protocols as modified  
by Protocol 11**Index*

573

573

575

579

591

593

633

# FOREWORD

It is once again a great pleasure to welcome this new edition, a fully revised and up-to-date text on the European Convention on Human Rights.

Thoroughly revised by Robin White and Clare Ovey, this book is an extremely usable guide to the Strasbourg system, and a very clear survey of the case-law of the European Court of Human Rights. Avoiding excessive detail, it rightly concentrates on the principles derived from the case-law. As the book demonstrates, the Court has succeeded in treating the Convention as what it has called 'a living instrument', adapting it where appropriate to changing circumstances.

The Convention was fortunately drawn up in broad terms, which lend themselves to an evolving interpretation that can take account of social change and of the remarkable extension of the Convention system to virtually the whole of Europe.

Indeed this book, since it also traces the historical development of the Convention system and its case-law, also tells a remarkable story, recording as it does the extraordinary progress since my first edition was written 35 years ago. At that time, when the system was little known, when acceptance by Member States was optional and few had in fact accepted, it would not have seemed conceivable that there is today a Court of Human Rights with compulsory and automatic jurisdiction over an undivided Europe—and indeed beyond Europe, since the boundaries of the Council of Europe now extend deep into Asia. And the European system of protection of human rights has become a model which other regions of the world have sought to follow.

But, as the authors also show, the success of the European human rights system, reflected in its continuing expansion, has come to threaten its very future. The Council of Europe now has approaching 50 Member States with a total population of many hundreds of millions. While the Court continues to strive valiantly with its ever-increasing caseload, the system is near breaking-point.

Although, as the book relates, much has been done in recent years to improve the system, urgent reforms are still needed. More effective procedures are also needed within the Member States: the Strasbourg system is, after all, as the Court has stressed, a subsidiary one, to be used only where there is a failure at the national level.

It will not be easy to find the right package of reforms, but it is essential to do so if the system is to survive.

This book should therefore be seen as a spur to action, as well as a major contribution to the study of the European system of protection of human rights.

Francis G. Jacobs

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