THEORY AND PRACTICE OF THE
EUROPEAN CONVENTION ON
HUMAN RIGHTS

Fourth Edition

Editors:
PIETER VAN DIJK
FRIED VAN HOOF
ARJEN VAN RIJN
LEO ZWAAK

Authors:
YUTAKAARAI          FRIED VAN HOOF
EDWIN BLEICHRODT    ARIEN VAN RIJN
CEES FLINTERMAN     BEN VERMEULEN
AALT WILLEM HERINGA MARC VIERING
JEROEN SCHOKKENBROEK LEO ZWAAK
PIETER VAN DIJK
# TABLE OF CONTENTS*

Preface to the Fourth Edition .................................................. v

About the Authors ................................................................. xi

List of Abbreviations.............................................................. xv

Chapter 1
General Survey of the European Convention. ............................. 1

Chapter 2
The Procedure Before the European Court of Human Rights .......... 95

Chapter 3
The Supervisory Task of the Committee of Ministers___ 291

Chapter 4
The Supervisory Function of the Secretary General of the Council of Europe ......................................................... 323

Chapter 5
The System of Restrictions ....................................................... 333

Chapter 6
Right to Life (Article 2) .......................................................... 351

Chapter 7
Freedom from Torture and Other Inhuman or Degrading Treatment or Punishment (Article 3)* ........................................... 405

Chapter 8
Freedom from Slavery, Servitude and Forced or Compulsory Labour (Article 4) ................................................................. 443

You will find a detailed table of contents at the beginning of each Chapter.
Chapter 9
Right to Liberty and Security of Person (Article 5) ........................................ 455

Chapter 10
Right to a Fair and Public Hearing (Article 6) .................................................. 511

Chapter 11
Freedom from Retrospective Effect of Penal Legislation (Article 7) ............. 651

Chapter 12
Right to Respect for Privacy (Article 8) ............................................................ 663

Chapter 13
Freedom of Thought, Conscience and Religion (Article 9)* .......................... 751

Chapter 14
Freedom of Expression (Article 10) ................................................................. 773

Chapter 15
Freedom of Association and Assembly (Article 11) ............................... 817

Chapter 16
The Right to Marry and to Found a Family (Article 12) ................................ 841

Chapter 17
Right to the Peaceful Enjoyment of One's Possessions (Article 1 of
Protocol No. 1) ................................................................................................. 863

Chapter 18
Right to Education (Article 2 of Protocol No. 1) ..... 895

Chapter 19
Free Elections by Secret Ballot (Article 3 of Protocol No. 1) .................... 911

Chapter 20
Prohibition of Deprivation of Liberty on the Ground of Inability to Fulfil
a Contractual Obligation (Article 1 of Protocol No. 4) ....................... 937

Chapter 21
The Right to Liberty of Movement (Article 2 of Protocol No. 4) ............. 939
Chapter 22
Prohibition of Expulsion of Nationals and the Right of Nationals to Enter Their Own Country (Article 3 of Protocol No. 4) 947

Chapter 23
Prohibition of Collective Expulsion of Aliens (Article 4 of Protocol No. 4) ... 953

Chapter 24
Abolition of the Death Penalty (Article 1 of Protocol No. 6) 959

Chapter 25
Expulsion of Aliens (Article 1 of Protocol No. 7) ......................... 965

Chapter 26
The Right to a Review by a Higher Tribunal (Article 2 of Protocol No. 7) .... 971

Chapter 27
Compensation for Miscarriage of Justice (Article 3 of Protocol No. 7) 975

Chapter 28
Ne Bis in Idem (Article 4 of Protocol No. 7) 979

Chapter 29
Equality of Rights and Responsibilities Between Spouses During and After Marriage (Article 5 of Protocol No. 7) ......................... 985

Chapter 30
General Prohibition of Discrimination (Article 1 of Protocol No. 12) .... 989

Chapter 31
Abolition of the Death Penalty in Time of War (Article 1 of Protocol No. 13) ................................................................. 993

Chapter 32
Right to an Effective Remedy Before a National Authority (Article 13) .... 997

Chapter 33
Prohibition of Discrimination (Article 14) 1027

Chapter 34
Derogation from the Rights and Freedoms in Case of a Public Emergency (Article 15) ..................................................... 1053
Chapter 35
Restrictions on the Political Activity of Aliens (Article 16) .......................... 1077

Chapter 36
Prohibition of Abuse of the Rights and Freedoms set Forth in the
Convention and of their Limitation to a Greater Extent than is
Provided for in the Convention (Article 17) ........................................... 1083

Chapter 37
Prohibition of Misuse of Power in Restricting the Rights and Freedoms
(Article 18) ...................................................................................................... 1093

Chapter 38
Reservations (Article 57) ................................................................................ 1101

Appendix: Dates of Ratification of the ECHR and Additional Protocols ... 1117

Index of Cases
I. European Court of Human Rights: Decisions .............................................. 1121
II. European Court of Human Rights: Judgments .......................................... 1125
III. European Commission of Human Rights: Decisions ............................... 1153
IV. European Commission of Human Rights: Reports .................................. 1169
Index of Subjects ............................................................................................... 1175