

CONTENTS

CONTENTS	3
ABOUT THE AUTHORS	8
ABBREVIATIONS	10
INTRODUCTION	11
CHAPTER I. THE COURT WITHIN THE EUROPEAN HUMAN RIGHTS SYSTEM	13
1. INTRODUCTION	13
2. HUMAN RIGHTS ORGANISATIONS IN EUROPE	14
2.1 Organization for Security and Cooperation in Europe	14
2.2 European Union	15
2.3 Council of Europe	18
3. COUNCIL OF EUROPE TREATIES AND BODIES	19
3.1 Convention for the Protection of Human Rights and Fundamental Freedoms	19
3.2 European Social Charter	21
3.3 European Convention for the Prevention of Torture	21
3.4 Commissioner for Human Rights	22
3.5 Venice Commission	22
CHAPTER II. EUROPEAN COURT OF HUMAN RIGHTS	24
1. ABOUT THE COURT	24
2. THE COURT'S STRUCTURE	24
3. PROCEEDINGS BEFORE THE COURT	25
4. THE COURT'S DECISIONS AND JUDGMENTS	27
5. PILOT JUDGMENT PROCEDURE	28
6. INTERIM MEASURES	29
7. INTER- STATE APPLICATIONS	29
CHAPTER III. ADMISSIBILITY CRITERIA	31
1. MAIN PROVISIONS RELATING TO THE SUBJECT	31
Article 35 of the Convention – Admissibility criteria	31
Rule 47 of the Rules of Court – Contents of an individual application	31
2. ON ADMISSIBILITY IN GENERAL	33
3. HIERARCHY OF THE ADMISSIBILITY CRITERIA	33
3.1 Anonymous applications	34
3.2 Abuse of the right of an individual application	34
3.3 Substantially the same applications	34
3.4. Applications submitted to another international body	35
3.5. Incompatible applications	35
3.5.1 <i>ratione personae</i>	35
3.5.2 <i>ratione loci</i>	35
3.5.3 <i>ratione temporis</i>	35
3.5.4 <i>ratione materiae</i>	36
3.6 Non-exhaustion of all domestic remedies	36
3.7 Four months (former six-month rule)	36
3.8 Manifestly ill-founded applications	37
3.9 No significant disadvantage	37
KEY CASE-LAW	38

CASE STUDY	39
Appeal	39
CHAPTER IV. RIGHTS RELATING TO PERSONAL LIBERTY	41
MAIN PROVISIONS RELATING TO THE SUBJECT	41
Article 2 of the Convention Appeal – Right to life	41
<i>General principles of the Court</i>	41
Article 3 of the Convention – Prohibition of torture	43
<i>General principles of the Court</i>	43
Article 4 of the Convention – Prohibition of slavery and forced labour	44
<i>General principles of the Court</i>	44
Article 5 of the Convention – Right to liberty and security	46
<i>General principles of the Court</i>	46
KEY CASE-LAW	48
CASE STUDIES	48
War crimes	48
Glasses	50
Salary	52
Kazakh	53
CHAPTER V. RIGHTS RELATING TO SPIRITUAL FREEDOM	54
MAIN PROVISIONS RELATING TO THE SUBJECT	55
Article 8 of the Convention – Right to respect for private and family life	55
<i>General principles of the Court</i>	55
Article 9 of the Convention – Freedom of thought, conscience and religion	57
<i>General principles of the Court</i>	57
Article 10 of the Convention – Freedom of expression	58
<i>General principles of the Court</i>	59
Article 11 of the Convention – Freedom of assembly and association	60
<i>General principles of the Court</i>	60
Article 12 of the Convention – Right to marry	62
<i>General principles of the Court</i>	62
KEY CASE-LAW	64
CASE STUDIES	65
Churches	65
Fiancée	66
CHAPTER VI. RIGHTS RELATING TO PROCEDURAL SAFEGUARDS	70
MAIN PROVISIONS RELATING TO THE SUBJECT	70
Article 6 of the Convention – Right to a fair trial	70
<i>General principles of the Court</i>	69
Article 7 of the Convention – No punishment without law	74
<i>General principles of the Court</i>	74
Article 13 of the Convention – Right to an effective remedy	75
<i>General principles of the Court</i>	75
KEY CASE-LAW	76
CASE STUDIES	77
Komsomol	77
Thief in law	79

CHAPTER VII. RIGHT TO THE PROTECTION OF PROPERTY AND THE FIRST PROTOCOL TO THE CONVENTION	81
MAIN PROVISIONS RELATING TO THE SUBJECT	81
Article 1 of Protocol No. 1 to the Convention – Protection of property	81
<i>General principles of the Court</i>	81
Article 2 of Protocol No. 1 to the Convention – Right to education	85
<i>General principles of the Court</i>	85
Article 3 of Protocol No. 1 to the Convention – Right to free elections	87
<i>General principles of the Court</i>	87
KEY CASE-LAW	92
CASE STUDIES	92
Bail	92
Polling stations	95
CHAPTER VIII. PROTOCOL NO. 4 TO THE CONVENTION	97
MAIN PROVISIONS RELATING TO THE SUBJECT	97
Article 1 of Protocol No. 4 to the Convention – Prohibition of imprisonment for debt	97
<i>General principles of the Court and explanations</i>	97
Article 2 of Protocol No. 4 to the Convention – Freedom of movement	98
<i>General principles of the Court and explanations</i>	98
Article 3 of Protocol No. 4 to the Convention – Prohibition of expulsion of nationals	98
<i>General principles of the Court and explanations</i>	98
Article 4 of Protocol No. 4 to the Convention – Prohibition of collective expulsion of aliens	98
<i>General principles of the Court and explanations</i>	99
KEY CASE-LAW	100
CASE STUDIES	100
Travel ban	100
Aliens	102
Residence permit	105
CHAPTER IX. PROTOCOL NO. 7 TO THE CONVENTION	109
MAIN PROVISIONS RELATING TO THE SUBJECT	109
Article 1 of Protocol No. 7 to the Convention – Procedural safeguards relating to expulsion of aliens	109
<i>General principles of the Court and explanations</i>	109
Article 2 of Protocol No. 7 to the Convention – Right of appeal in criminal matters	110
<i>General principles of the Court and explanations</i>	110
Article 3 of Protocol No. 7 to the Convention – Compensation for wrongful conviction	111
<i>General principles of the Court and explanations</i>	111
Article 4 of Protocol No. 7 to the Convention – Right not to be tried or punished twice	112
<i>General principles of the Court and explanations</i>	112
Article 5 of Protocol No. 7 to the Convention – Equality between spouses	114
<i>General principles of the Court and explanations</i>	114
KEY CASE-LAW	115
CASE STUDIES	116
Removal	116
Forced confession	117
Independence Day	119

CHAPTER X. RIGHTS OF LEGAL PERSONS UNDER THE CONVENTION	121
1. NOTION OF A LEGAL PERSON	121
2. ARTICLES OF THE CONVENTION APPLICABLE TO LEGAL PERSONS	122
3. CHANGES IN UNDERSTANDING OF THE NATURE OF LEGAL PERSONS	124
KEY CASE-LAW	127
CASE STUDIES	127
Same-sex civil partnerships	127
The same judge	130
CHAPTER XI. VENICE COMMISSION AND THE COURT	133
1. VENICE COMMISSION	133
2. OPINIONS AND STUDIES	134
3. VENICE COMMISSION AND THE EUROPEAN COURT ON HUMAN RIGHTS	134
4. EXAMPLES OF OPINIONS AND STUDIES:	136
CHAPTER XII. TORTURE PREVENTION COMMITTEE AND ITS LINKS WITH THE COURT	137
1. ABOUT THE CPT	137
2. TYPES OF VISITS	138
3. MEMBERS OF THE CPT	138
4. CPT POWERS IN RESPECT OF THE STATES	139
5. VISITS AND REPORTS	139
6. RELATION BETWEEN THE CPT AND THE COURT	140
CHAPTER XIII. THE CZECH GOVERNMENT BEFORE THE COURT	142
1. LEGAL STATUS OF THE CONVENTION WITHIN THE CZECH LEGAL ORDER	142
2. OFFICE OF THE GOVERNMENT AGENT	143
3. LITIGATING BEFORE THE COURT	143
4. EXECUTION OF JUDGMENTS	145
5. OTHER ACTIVITIES	146
CHAPTER XIV. DEPARTMENT FOR THE EXECUTION OF JUDGMENTS OF THE COURT	148
1. ABOUT THE DEPARTMENT	148
2. MAIN ACTIVITIES	147
3. EXECUTION OF JUDGMENTS OF THE COURT	150
BIBLIOGRAPHY AND SOURCES	152
Books and Articles	152
Internet materials	153
ADDITIONAL DOCUMENTS (ANNEXES)	155
SIGNATURE AND RATIFICATION OF THE CONVENTION	157
SIGNATURE AND RATIFICATION OF PROTOCOL NO. 1 TO THE CONVENTION	158
SIGNATURE AND RATIFICATION OF PROTOCOL NO. 4 TO THE CONVENTION	159
SIGNATURE AND RATIFICATION OF PROTOCOL NO. 7 TO THE CONVENTION	160
SIGNATURE AND RATIFICATION OF PROTOCOL NO. 12 TO THE CONVENTION	161
SIGNATURE AND RATIFICATION OF PROTOCOL NO. 15 TO THE CONVENTION	162

SIGNATURE AND RATIFICATION OF PROTOCOL NO. 16 TO THE CONVENTION	163
APPLICATION FORM	164
NOTES FOR FILLING IN THE APPLICATION FORM	177
COMMON MISTAKES	188
ADDENDUM FOR MULTIPLE APPLICANTS	192
LETTERS OF THE COURT TO THE UNSUCCESSFUL APPLICANTS	193
OBSERVATIONS OF THE GOVERNMENT	198
COMMUNICATION OF THE CASE TO THE GOVERNMENT	212
LETTER OF THE GOVERNMENT ENCLOSING THE OBSERVATIONS	216
LETTER OF THE GOVERNMENT ON REFUSAL TO SETTLE THE MATTER	217