

# The European Human Rights 10

Dirk Voorhoof

**Case Law Concerning Article 10 of the European Convention on Human Rights** Council of Europe.

Directorate of Human Rights, 2001-01-01 A. In the press

*Universal Declaration of Human Rights* United Nations. General Assembly, 2003

Protecting the right to freedom of expression under the European Convention on Human Rights

Bychawska-Siniarska, Dominika, 2017-08-04 European Convention on Human Rights – Article 10 –

Freedom of expression 1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises. 2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary. In the context of an effective democracy and respect for human rights mentioned in the Preamble to the European Convention on Human Rights, freedom of expression is not only important in its own right, but it also plays a central part in the protection of other rights under the Convention. Without a broad guarantee of the right to freedom of expression protected by independent and impartial courts, there is no free country, there is no

democracy. This general proposition is undeniable. This handbook is a practical tool for legal professionals from Council of Europe member states who wish to strengthen their skills in applying the European Convention on Human Rights and the case law of the European Court of Human Rights in their daily work.

**Freedom of Expression in Europe** Mario Oetheimer, European Court of Human Rights. Registry of the Court, Council of Europe. Directorate General of Human Rights, 2007-01-01 The European Court of Human Rights has always defended the idea that freedom of expression has an essential role to play in a democratic society, helping to foster the development of an open, tolerant society in which human rights are respected. Freedom of expression is not absolute and unconditional, however; there are certain limits which must be respected. How can racist, xenophobic propaganda be proscribed without trespassing on individual freedom of expression? How can a suspect's right to be presumed innocent be protected without placing restrictions on the public's right to information? Where should we draw the line concerning the criticism of politicians by the media? It is by answering these and many similar questions over a period of almost fifty years that the European Court of Human Rights has developed its case-law in respect of Article 10 of the European Convention on Human Rights, presented in summary form in this book.

**Critical Perspectives on the Scope and Interpretation of Article 10 of the European Convention on Human Rights** Dirk Voorhoof, 1995 To freedom of communication

**The EU Accession to the ECHR** Vasiliki Kosta, Nikos Skoutaris, Vassilis Tzevelekos, 2014-12-01 Article 6 of the Treaty on European Union (TEU) provides that the EU will accede to the system of human rights

protection of the European Convention on Human Rights (ECHR). Protocol No 9 in the Treaty of Lisbon opens the way for accession. This represents a major change in the relationship between two organisations that have co-operated closely in the past, though the ECHR has hitherto exercised only an indirect constitutional control over the EU legal order through scrutiny of EU Member States. The accession of the EU to the ECHR is expected to put an end to the informal dialogue, and allegedly also competition between the two regimes in Europe and to establish formal (both normative and institutional) hierarchies. In this new era, some old problems will be solved and new ones will appear. Questions of autonomy and independence, of attribution and allocation of responsibility, of co-operation, and legal pluralism will all arise, with consequences for the protection of human rights in Europe. This book seeks to understand how relations between the two organisations are likely to evolve after accession, and whether this new model will bring more coherence in European human rights protection. The book analyses from several different, yet interconnected, points of view and relevant practice the draft Accession Agreement, shedding light on future developments in the ECHR and beyond. Contributions in the book span classic public international law, EU law and the law of the ECHR, and are written by a mix of legal and non-legal experts from academia and practice.

**The Universal Declaration of Human Rights** Humberto Cantu Rivera, 2023-12-18 The adoption of the Universal Declaration of Human Rights (UDHR) on 10 December 1948 by the United Nations General Assembly marked a groundbreaking moment in the field of international law. Not only would it start to move away from its original conception as an exclusively State-centered domain: it would also mark the

progressive transformation of international law into a law for humankind. This instrument started a codification and institution-building process that would slowly evolve into a complex framework of treaties, bodies and procedures revolving around the protection of the human being against the actions – or omissions – of the State. This commentary provides a specific analysis and reflection of how each one of the rights enshrined therein have evolved over time.

**Freedom of Expression in Europe** Council of Europe. Directorate General of Human Rights, 2002 The European Court of Human Rights has always defended that the idea of freedom of expression has an essential role to play in a democratic society, helping to foster the development of an open, tolerant society in which human rights are respected. Freedom of expression is not absolute and unconditional, however; there are certain limits which must be respected. Where does one draw the line? The case law developed by the European Court of Human Rights and the European Commission of Human Rights attempts to clarify the answer to this question. The first part of this publication presents summaries of the case law thus developed. Topics covered include: the press; broadcasting; access to information; commercial statements; protection of general interest; protection of other individual rights; and maintaining the authority and impartiality of the judiciary. The second part contains references to the main decisions, judgements and reports of the Court and the Commission.

European Human Rights Law Mark W. Janis, Richard S. Kay, Anthony Wilfred Bradley, 2008 The third edition of this text has been substantially expanded to provide in-depth coverage of the key articles of the European Convention on Human Rights. A broad selection of case extracts is accompanied by comparative

analysis that draws from the caselaw of the USA, Canada, and elsewhere.

*European Yearbook on Human Rights 10* Wolfgang Benedek, Florence Benoit-Rohmer, Wolfram Karl, Manfred Nowak, 2010 In Europe, from the entry into force of the Lisbon Treaty to policy changes in countering terrorism, 2009 was a year rich in legal and political developments that directly implicate human rights. Among the growing intensity of human rights practice and scholarship, even experienced scholars find it difficult to keep track. Recognizing the necessity to identify and critically assess key developments in the human rights field in Europe and the world, this second volume of the European Yearbook on Human Rights brings together 24 contributions by renowned human rights experts who provide a much-needed overview. Edited jointly by representatives of four major European human rights institutions, the Yearbook offers an innovative structure which allows for quick orientation and direct access to the many facets of Europe's culture of human rights protection. The Yearbook contains extensive sections on developments in the field of the three main organizations charged with securing human rights in Europe: the EU, the Council of Europe, and the Organization for Security and Co-operation in Europe. It also looks at the role of civil society in human rights protection and at multidisciplinary topics. Holistic in its approach, rich in information, and highly useful in its analyses, European Yearbook on Human Rights 10 provides a comprehensive overview of Europe's human rights situation in 2009.

**Implementation of Article 57 of the European Convention on Human Rights** Council of Europe. Directorate of Human Rights, 1976

Les exceptions aux articles 8-11 de la Convention européenne des droits de l'homme Steven C.

Greer, Council of Europe, 1997-01-01 B. Table of cases

Introduction to the European Convention on Human Rights Jean-François Renucci, 2005-01-01 The model system created by the European Convention on Human Rights is internationally renowned. The rights it protects are among the most important, covering not only civil and political rights, but also certain social and economic rights, such as the right to respect for personal possessions. The European Court of Human Rights stands at the heart of the protection mechanism guaranteeing these rights. It is now an entirely judicial system since the adoption and entry into force of Protocol No. 11, which reorganised the whole system and extended the Court's jurisdiction. The Court's excessive caseload is a problem, though, and this has led to the further improvements contained in Protocol No. 14, designed to strengthen the operation and effectiveness of the Court.

**Journalism Worthy of the Name** Herdís Thorgeirsdóttir, 2005-06-01 The subject of this study is 'freedom within the press', the nature and limits of the protection afforded to the journalistic imparting process, which has been a neglected area of research. The analysis draws on the classical defenders of freedom of speech, Milton and Mill, to show that at the dawn of the 21st century the intertwined alliance between big business and public authorities resulting in the widespread phenomena of self-censorship within the media constitutes an almost insurmountable obstacle. Instead of enlightening the public and inspiring the individual the press may be contributing to an inert public and individual cowardice antithetical to the objectives of human dignity and democracy. The core of the problem is that prima facie the infringement of freedom within the media is not exercised on legal premises and cannot therefore be

solved within the legal framework. The operation of the press in society is conditioned by three types of regulation, legal regulation, market regulation and self-regulation. Legal regulation does not adequately presuppose the impact of the latter as it is based on the assumption that press freedom is mainly a negative liberty. The book explores the affirmative side of Article 10 of the European Convention on Human Rights to guarantee press freedom that is not merely illusory but practical and effective. Convention jurisprudence has not only influenced the domestic courts of the Contracting Parties but also the legislators of the Member States. In an era of globalization dominant media operators wield power in their own domestic markets to impede national regulators in adopting interventionist media policies to secure journalistic freedoms. The Convention jurisprudence represents a kind of European *ius commune*, which is here set in the context of an analysis reflecting the problems and values at issue and offering recommendations to alleviate a situation which threatens democratic ideals and public-spirited journalism.

**Explanatory Report on Protocol No. 7 to the Convention for the Protection of Human Rights and Fundamental Freedoms** Council of Europe, 1985-01-01

Case-law Concerning Article 10 of the European Convention on Human Rights, 2000

*Mental Disability And the European Convention on Human Rights* Peter Bartlett, Oliver Lewis, Oliver Thorold, 2007 Mental disability has come of age as a subject of concern under the European Convention on Human Rights. It was only in 1979 that the first significant decision of the ECHR was decided on the subject, and after that, cases were relatively few for many years. It is only recently that this has begun to change. This volume provides an account of where the law currently stands and speculation as to how it



may develop. The initial chapters deal with substantive aspects of Convention rights (including issues of detention in institutions, conditions within institutions, medical treatment, problems associated with guardianship and others). The final two chapters move to discuss the practicalities of litigation. The book concludes with a number of appendices (primarily the primary international legal materials of relevance to mental disability rights under the ECHR, and the relevant recommendations and principles from the Council of Europe). It is hoped that this volume, in addition to shedding light on where the law currently stands, will offer practical guidance to lawyers concerning the mechanics of representing people with mental disabilities.

**Ireland and the European Convention on Human Rights: 60 Years and Beyond** Suzanne

Egan, 2014-10-31 The book 2013 marks the 60th anniversary of Ireland's ratification of the European Convention on Human Rights and the 10th anniversary of the Convention's incorporation into domestic law, by means of the ECHR Act 2003. It contains a wealth of essays and articles by leading experts which examine Ireland's engagement with the European Convention on Human Rights at international level down through the years as well as the extent to which the case law of the European Court of Human Rights has influenced domestic human rights law and administrative action through the vehicle of the 2003 Act. It analyses current Strasbourg jurisprudence on key issues and project its likely implications on law and policy in the Contracting States, with particular reference to Irish domestic law. The book addresses the difficult questions that arise for judges in both jurisdictions following the constitutionalisation of the European Union's Charter of Fundamental Rights in 2009 and the revised agreement of the EU's

accession to the ECHR. The impact of the ECHR in Irish law is a particularly rich subject for analysis, given the strong tradition of rights review by the Irish judiciary in interpreting the fundamental rights guarantees in the Irish Constitution. While the Irish statute is superficially similar to the Human Rights Act in the United Kingdom, the context in which it operates is radically different, given the pre-eminent role of the Irish Constitution in shaping domestic human rights law. As well as outlining the specific domestic context in which the ECHR operates in Ireland, the book also includes comparative insights from the United Kingdom context as to the impact of the Human Rights Act to date in that jurisdiction. Additional themes of the book include the development of ECHR jurisprudence and its effects in the domestic setting on asylum, immigration, criminal justice, children, mental health patients, gender recognition and the limits and potential of the ECHR as regards combating poverty.

The European Convention on Human Rights William A. Schabas, 2015-09-24 The European Convention on Human Rights: A Commentary is the first complete article-by-article commentary on the ECHR and its Protocols in English. This book provides an entry point for every part of the Convention: the substance of the rights, the workings of the Court, and the enforcement of its judgments. A separate chapter is devoted to each distinct provision or article of the Convention as well as to Protocols 1, 4, 6, 7, 12, 13, and 16, which have not been incorporated in the Convention itself and remain applicable to present law. Each chapter contains: a short introduction placing the provision within the context of international human rights law more generally; a review of the drafting history or preparatory work of the provision; a discussion of the interpretation of the text and the legal issues, with references to the case law of the European Court of

Human Rights and the European Commission on Human Rights; and a selective bibliography on the provision. Through a thorough review of the ECHR this commentary is both exhaustive and concise. It is an accessible resource that is ideal for lawyers, students, journalists, and others with an interest in the world's most successful human rights regime.

Protocol No. 10 to the Convention for the Protection of Human Rights and Fundamental Freedoms  
Council of Europe, 1992-01-01 In English and French. Parallel title: Protocole no 10 à la Convention de sauvegarde des droits de l'homme et des libertés fondamentales

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