

The Positive Obligations of the State under the European Convention of Human Rights

Dimitris Xenos



Routledge Research in Human Rights Law

The Positive Obligations of the State under the European Convention of Human Rights

Dimitris Xenos



First published 2012

by Routledge

2 Park Square, Milton Park, Abingdon, Oxon OX14 4RN

Simultaneously published in the USA and Canada

by Routledge

711 Third Avenue, New York, NY 10017

Routledge is an imprint of the Taylor & Francis Group, an informa business

© 2012 Dimitris Xenos

The right of Dimitris Xenos to be identified as the author of the work has been asserted in accordance with sections 77 and 78 of the Copyright, Designs and Patents Act 1988.

All rights reserved. No part of this book may be reprinted or reproduced or utilised in any form or by any electronic, mechanical, or other means, now known or hereafter invented, including photocopying and recording, or in any information storage or retrieval system, without permission in writing from the publishers.

Trademark notice: Product or corporate names may be trademarks or registered trademarks, and are used only for identification and explanation without intent to infringe.

British Library Cataloguing in Publication Data

A catalogue record for this book is available from the British Library

Library of Congress Cataloging in Publication Data

Xenos, Dimitris.

The positive obligations of the state under the European Convention of Human Rights/Dimitris Xenos.

p. cm.

Includes bibliographical references.

1. Convention for the Protection of Human Rights and Fundamental Freedoms (1950) 2. Human rights–Europe. 3. International and municipal law–Europe. I. Title.

KJC5132.X46 2011

341.4'8094–dc22

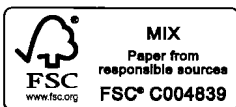
2011003141

ISBN: 978-0-415-66812-5 (hbk)

ISBN: 978-0-203-80781-1 (ebk)

Typeset in Baskerville

by Wearset Ltd, Boldon, Tyne and Wear



Printed and bound in Great Britain by
CPI Antony Rowe, Chippenham, Wiltshire

The Positive Obligations of the State under the European Convention of Human Rights

The system of the European Convention of Human Rights imposes positive obligations on the state to guarantee human rights in circumstances where state agents do not directly interfere. In addition to the traditional/liberal negative obligation of non-interference, the state must actively protect the human rights of individuals residing within its jurisdiction. The liability of the state in terms of positive obligations induces a free-standing imperative of human rights that changes fundamentally the perception of the role of the state and the participatory ability of the individual, who can now assert their human rights in all circumstances in which they are relevant. In that regard, positive obligations herald the most advanced review of the state's business ever attempted in international law.

The book undertakes a comprehensive study of positive obligations: from establishing the legitimacy of positive obligations within the system of the Convention to their practical implementation at the national level. Analysing in-depth legal principles that pervade the whole system of the Convention, a coherent methodological framework of critical stages and parameters is provided to determine the content of positive obligations in a consistent, predictable and realistic manner.

This study of the Convention explains and critically analyses the state's positive obligations, as imposed by the European Court of Human Rights, and sets out original proposals for their future development. The book will be of interest to those who study, research or practice public law, civil rights and liberties or international/European human rights law.

Dimitris Xenos is a Research Fellow at the European Public Law Organisation, Athens. He also acts as a legal consultant on issues of human rights law.

Routledge research in human rights law

Available titles in this series include:

The Right to Development in International Law

The case of Pakistan

Khurshid Iqbal

Global Health and Human Rights

Legal and philosophical perspectives

John Harrington and Maria Stuttford

The Right to Religious Freedom in International Law

Between group rights and individual rights

Anat Scolnicov

Emerging Areas of Human Rights in the 21st Century

The role of the universal declaration of human rights

Marco Odello and Sofia Cavandoli

The Human Right to Water and its Application in the Occupied Palestinian Territories

Amanda Cahill

International Human Rights Law and Domestic Violence

The effectiveness of international human rights law

Ronagh McQuigg

Human Rights in the Asia-Pacific Region

Towards institution building

Hitoshi Nasu and Ben Saul

Human Rights Monitoring Mechanisms of the Council of Europe

Gauthier de Beco

The Positive Obligations of the State under the European Convention of Human Rights

Dimitris Xenos

Forthcoming titles in this series include:

The European Court of Human Rights in the Post-Cold War Era

Universality in transition

James A. Sweeney

Children and International Human Rights Law

The right of the child to be heard

Aisling Parkes

Ensuring and Enforcing Economic, Social and Cultural Rights

The jurisprudence of the UN committee on economic, social and cultural rights

Marco Odello and Francesco Seatzu

The EU as a 'Global Player' in Human Rights?

Jan Wetzel

Vindicating Socio-Economic Rights

International standards and comparative experiences

Paul O'Connell

Corporate Human Rights Violations

Overcoming regulatory hurdles

Surya Deva

Jurisdiction, Immunity and Transnational Human Rights Litigation

Xiaodong Yang

Table of cases

<i>A v. Croatia</i> , Judgment of 14 October 2010, no. 55164/08.....	75, 86, 142
<i>A. v. the United Kingdom</i> , Judgment of 23 September 1998, no. 25599/94	142
<i>A.A. v. Greece</i> , Judgment of 22 July 2010, no. 12186/08.....	127
<i>A.B. v. Russia</i> , Judgment of 14 October 2010, no. 1439/06	127, 143
<i>Abdullah Yilmaz v. Turkey</i> , Judgment of 17 June 2008, no. 21899/02	128
<i>Abdulaziz, Cabales and Balkandali v. the United Kingdom</i> , Judgment of 28 May 1985, nos 9214/80,..., 9474/81	14, 93, 94
<i>Abdurashidova v. Russia</i> , Judgment of 8 April 2010, no. 32968/05	79
<i>Adali v. Turkey</i> , Judgment of 31 March 2005, no. 38187/97.....	74
<i>Aerts v. Belgium</i> , Judgment of 7 July 1997, no. 25357/94	127
<i>Airey v. Ireland</i> , Judgment of 9 October 1979, no. 6289/73	22, 26, 32, 74, 91, 142, 145, 152, 173, 182, 183
<i>Albekov and Others v. Russia</i> , Judgment of 8 October 2008, no. 68216/01.....	106
<i>Alekseyev v. Russia</i> , Judgment of 21 October 2010, nos 4916/07,..., 14599/09	133, 190
<i>Al Fayed v. France</i> , Admissibility decision of 27 September 2007, no. 38501/02	198, 199, 200
<i>Al-Saadoon and Mufdhi v. the United Kingdom</i> , Judgment of 2 March 2010, no. 61498/08	9, 10, 136, 194
<i>Andersson and Others v. Sweden</i> , Admissibility decision of 7 January 1991, no. 14083/88	10
<i>Andronicou and Constantinou v. Cyprus</i> , Judgment of 9 October 1997, no. 25052/94	77, 124
<i>Artico v. Italy</i> , Judgment of 13 May 1980, no. 6694/74	184
<i>Asadulayeva and Others v. Russia</i> , Judgment of 17 September 2009, no. 15569/06	199
<i>Associated Society of Locomotive Engineers & Firemen (ASLEF) v. the United Kingdom</i> , Judgment of 27 February 2007, no. 11002/05	74
<i>Association of Citizens ‘Radko’ and Paunkovski v. the former Yugoslav Republic of Macedonia</i> , Judgment of 15 January 2009, no. 74651/01 ..	133

<i>Association of General Practitioners v. Denmark</i> , Admissibility decision of 12 July 1989, no. 12947/87.....	10
<i>Austria v. Italy</i> , Admissibility decision of 11 January 1961, no. 788/60 ...	16
<i>Azevedo v. Portugal</i> , Judgment of 27 March 2008, no. 20620/04	133
<i>Bacila v. Romania</i> , Judgment of 30 March 2010, no. 19234/04	109, 189
<i>Barankevich v. Russia</i> , Judgment of 26 July 2007, no. 10519/03.....	133
<i>Belgian Linguistic Case, The</i> , Judgment of 23 July 1968, nos 1474/62,..., 2126/64.....	24, 74, 143, 173
<i>Bendersky v. Ukraine</i> , Judgment of 15 November 2007, no. 22750/02	184, 194, 201
<i>Bentham v. Netherlands</i> , Judgment of 23 October 1985, no. 8848/80	176
<i>Beru v. Turkey</i> , Judgment of 11 January 2011, no. 47304/07	90
<i>Bigaeva v. Greece</i> , Judgment of 28 May 2009, no. 26713/05.....	13
<i>Biriuk v. Lithuania</i> , Judgment of 25 November 2008, no. 23373/03 15750/02.....	191
<i>Bone v. France</i> , Admissibility decision of 1 March 2005, no. 69869/01	101, 118, 201
<i>Bosphorus Hava Yolları Turizm ve Ticaret Anonim Şirketi v. Ireland</i> , Judgment of 30 June 2005, no. 45036/98	52
<i>Botta v. Italy</i> , Admissibility decision of 15 January 1996, no. 21439/93; Judgment of 24 February 1998, no. 21439/93 ..	13, 143, 144, 145, 146, 152, 153, 154, 155, 158, 163, 168
<i>Boyle and Rice v. the United Kingdom</i> , Judgment of 27 April 1988, nos 9659/82; 9658/82	180
<i>Branduse v. Romania</i> , Judgment of 7 April 2009, no. 6586/03	128
<i>Bromley v. the United Kingdom</i> , Admissibility decision of 23 November 1999, no. 33747/96	87
<i>Broniowski v. Poland</i> , Judgment of 22 June 2004, no. 31443/96.....	16
<i>Bruggeman and Scheuten v. Germany</i> , Admissibility decision of 19 May 1976, no. 6959/75	13
<i>Budayeva and Others v. Russia</i> , Judgment of 20 March 2008, nos 15339/02,..., 15343/02	90, 105, 106, 115, 201
<i>Byrzykowski v. Poland</i> , Judgment of 27 June 2006, no. 11562/05 ...	191, 195
<i>Calvelli and Ciglio v. Italy</i> , Judgment of 17 January 2002, no. 32967/96	83, 86, 195, 196, 201
<i>Cambell and Cosans v. the United Kingdom</i> , Commission's Report of 16 May 1980, Series B.42	180
<i>Campagnano v. Italy</i> , Judgment of 23 March 2006, no. 77955/01	12
<i>Capital Bank AD v. Bulgaria</i> , Judgment of 24 November 2005, no 49429/99.....	54
<i>Celikbilek v. Turkey</i> , Judgment of 31 May 2005, no. 27693/95.....	199
<i>Celniku v. Greece</i> , Judgment of 5 July 2007, no. 21449/04	78
<i>Chassagnou and Others v. France</i> , Judgment of 29 April 1999, nos 25088/94,..., 28443/95	138

<i>Chember v. Russia</i> , Judgment of 3 July 2008, 7188/03	127
<i>Chemodurov v. Russia</i> , Judgment of 31 July 2007, no. 72683/01	131
<i>Christian Democratic People's Party v. Moldova</i> (no. 2), Judgment of 2 February 2010, no. 25196/04	133
<i>Church of Scientology Moscow v. Russia</i> , Judgment of 5 April 2007, no. 18147/02	1
<i>Chunis v. the United Kingdom</i> , Admissibility decision of 11 September 2001, no. 45049/98	74
<i>Cocchiarella v. Italy</i> , Judgment of 29 March 2006, no. 64866/01	16
<i>Colaço Mestre and SIC – Sociedade Independente de Comunicação S.A. v.</i> <i>Portugal</i> , Judgment of 26 April 2007, nos 11182/03 and 11319/03	67, 132
<i>Colak and Tsakiridis v. Germany</i> , Judgment of 5 March 2009, nos 77144/01 and 35493/05	85, 179
<i>Costello-Roberts v. the United Kingdom</i> , Judgment of 25 March 1993, no. 13134/87	13, 14, 95, 142, 163
<i>Craxi</i> (No. 2) <i>v. Italy</i> , Judgment of 17 July 2003, no. 25337/94	74
<i>Cumpăna and Mazare v. Romania</i> , Judgment of 17 December 2004, no. 33348/96	132
<i>Cyprus v. Turkey</i> , Judgment of 10 May 2001, no. 25781/94	15, 151
<i>D. v. the United Kingdom</i> , Judgment of 2 May 1997, no. 30240/96	144, 188
<i>Dabrowski v. Poland</i> , Judgment of 19 December 2006, no. 18235/02	137
<i>Danilenkov and Others v. Russia</i> , Judgment of 30 July 2009, no. 67336/01	38, 108
<i>De Becker v. Belgium</i> , Admissibility decision of 9 June 1958, no. 214/56	38
<i>Demades v. Turkey</i> , Judgment of 31 July 2003, no. 16219/90	15
<i>Denmark v. Turkey</i> , Judgment of 5 April 2000, no. 34382/97	15
<i>Deumeland v. Germany</i> , Judgment of 26 May 1986, no. 9384/81	176
<i>Dickson v. the United Kingdom</i> , Judgment of 4 December 2007, no. 44362/04	74
<i>Dink v. Turkey</i> , Judgment of 14 September 2010, nos 2668/07, ..., 7124/09	89, 137, 176, 178, 200
<i>Długolecki v. Poland</i> , Judgment of 24 February 2009, no. 23806/03 ...	14, 137
<i>Dokic v. Bosnia and Herzegovina</i> , Judgment of 27 May 2010, no. 6518/04	15
<i>Dougoz v. Greece</i> , Judgment of 6 March 2001, no. 40907/98	127
<i>Draon v. France</i> , Judgment of 6 October 2005, no. 1513/03	196
<i>Dudgeon v. the United Kingdom</i> , Judgment of 22 October 1981, no. 7525/76	77, 180, 189
<i>Dudnyk v. Ukraine</i> , Judgment of 10 December 2009, no. 17985/04	177
<i>Dvoracek and Dvorackova v. Slovakia</i> , Judgment of 28 July 2009, no. 30754/04	195, 200
<i>Dyuldin and Kislov v. Russia</i> , Judgment of 31 July 2007, no. 25968/02	131

<i>E and Others v. the United Kingdom</i> , Judgment of 26 November 2002, no. 33218/96	98, 113, 114, 142
<i>East African Asians v. the United Kingdom</i> , Admissibility decision of 10 October 1970, nos 4403/70, ..., 4530/70	95
<i>Eckle v. Germany</i> , Judgment of 15 July 1982, no. 8130/78	55
<i>Editions Periscope v. France</i> , Judgment of 26 March 1992, no. 11760/85	176
<i>Edwards v. the United Kingdom</i> , Judgment of 14 March 2002, no. 46477/99	101, 126
<i>Enerji Yapi-Yol Sen v. Turkey</i> , Judgment of 21 April 2009, no. 68959/01	67
<i>Ensslin, Baader and Raspe v. Germany</i> , Admissibility decision of 8 July 1978, no. 7572/76	127
<i>Enzile Ozdemir v. Turkey</i> , Judgment of 8 January 2008, no. 54169/00	199
<i>Epiphaniou and Others v. Turkey</i> , Judgment of 22 September 2009, no. 19900/92	15
<i>Ergi v. Turkey</i> , Judgment of 28 July 1998, no. 23818/94	79, 80, 200
<i>Eriksson v. Sweden</i> , Judgment of 22 June 1989, no. 11373/85	131
<i>Estamirov and Others v. Russia</i> , Judgment of 12 October 2006, no. 60272/00	135, 158
<i>Eugenia Lazar v. Romania</i> , Judgment of 16 February 2010, no. 32146/05	177
<i>Evans v. the United Kingdom</i> , Judgment of 10 April 2007, no. 6339/05	12
<i>Fadeyeva v. Russia</i> , Judgment of 9 June 2006, no. 55723/00	16, 60, 69, 93, 99, 100, 102, 103, 116, 118, 187
<i>Farbtuhs v. Latvia</i> , Judgment of 2 December 2004, no. 4672/02 ...	127, 163
<i>Farcas v. Romania</i> , Admissibility decision of 14 September 2010, no. 32596/04	12, 166, 170
<i>Feldek v. Slovakia</i> , Judgment of 12 July 2001	137
<i>Filip v. Romania</i> , Judgment of 14 December 2006, no. 41124/02	198
<i>Fischer v. Austria</i> , Judgment of 26 April 1995, no. 16922/90	55
<i>Former King of Greece and Others v. Greece</i> , The, Judgment of 23 November 2000, no. 25701/94	10
<i>Fuentes Bobo v. Spain</i> , Judgment of 29 February 2000, no. 39293/98	38
<i>Gagiu v. Romania</i> , Judgment of 24 February 2009, no. 63258/00	143
<i>Garaudy v. France</i> , Admissibility decision of 24 June 2003, no. 65831/01	129
<i>Gaskin v. the United Kingdom</i> , Judgment of 7 July 1989, no. 10454/83	63, 70, 71, 147
<i>Gheorghe v. Romania</i> , Admissibility decision of 22 September 2005, no. 19215/04	151, 162
<i>Giacomelli v. Italy</i> , Judgment of 2 November 2006, no. 59909/00	60, 67, 80

<i>Gillan and Quinton v. the United Kingdom</i> , Judgment of 12 January 2010, no. 4158/05.....	185
<i>Giuliani and Gaggio v. Italy</i> , Judgment of 25 August 2009, no. 23458/02	59
<i>G.N. and Others v. Italy</i> , Judgment of 1 December 2009, no. 43134/05	195
<i>Golderv. the United Kingdom</i> , Judgment of 21 February 1975, no. 4451/70	91, 119, 125, 166, 173, 176
<i>Gongadze v. Ukraine</i> , Judgment of 8 November 2005, no. 34056/02	199
<i>Goodwin v. the United Kingdom</i> , Judgment of 11 July 2002, no. 28957/95	14, 68, 150, 165
<i>Gorelishvili v. Georgia</i> , Judgment of 5 June 2007, no. 12979/04	131, 136, 137
<i>Gourguenidze v. Georgia</i> , Judgment of 17 October 2006, no. 71678/01	132
<i>Grant v. the United Kingdom</i> , Judgment of 23 May 2006, no. 32570/03	165
Greek Case, The, Commission's Report of 5 November 1969, Yearbook XII (1969)	93
<i>Groni v. Albania</i> , Judgment of 7 July 2009, no. 25336/04.....	127
<i>Guerra and Others v. Italy</i> , Judgment of 19 February 1998, no. 14967/89	3, 50, 74, 84, 99, 101, 109, 117, 143, 152, 189
<i>Gungor v. Turkey</i> , Judgment of 22 March 2005, no. 28290/95	89, 180, 198, 199, 200, 201
<i>Guvenc v. Turkey</i> , Judgment of 20 January 2009, no. 70337/01	127, 143
<i>Hajduova v. Slovakia</i> , Judgment of 30 November 2010, no. 2660/03.....	84, 189
<i>Halford v. the United Kingdom</i> , Judgment of 25 June 1997, no. 20605/92	179
<i>Halit Dinc v. Turkey</i> , Judgment of 19 September 2006, no. 32597/96	79
<i>Hasan Çaliskan and Others v. Turkey</i> , Judgment of 27 May 2007, no. 13094/02	128
<i>Hatton and Others v. the United Kingdom</i> , Judgment of 2 October 2001, no. 36022/97; Judgment of 8 July 2003, no. 36022/97 (Grand Chamber)	50, 59, 60, 66, 67, 71, 80, 84, 101, 103, 118, 120, 147, 180, 187
<i>Hendriks v. the Netherlands</i> , Admissibility decision (Commission's Report) of 8 March 1982, no. 8427/78.....	129, 136
<i>H.G. and W.G. v. Germany</i> , Admissibility decision of 16 December 1964, no. 2294/64; Yearbook of the European Convention on Human Rights Vol. 8, 1965	54
<i>H.K. v. Finland</i> , Judgment of September 2006, no. 36065/97	130, 136, 137

Hokkanen v. Finland, Judgment of 23 September 1994, no. 19823/92	60, 63, 129, 131, 136, 139
<i>Hugh Jordan v. the United Kingdom</i> , Judgment of 4 May 2001, no. 24746/94	200
<i>Hughes v. the United Kingdom</i> , Admissibility decision of 18 July 1986, no. 11590/85	32, 38
<i>Huyllu v. Turkey</i> , Judgment of 16 November 2006, no. 52955/99	127, 143
<i>Ignacollo-Zenide v. Romania</i> , Judgment of 25 January 2000, no. 31679/96	138
<i>Ilhan v. Turkey</i> , Judgment of 27 June 2000, no. 22277/93.	76, 86, 127
<i>Ireland v. the United Kingdom</i> , Judgment of 18 January 1978, no. 5310/71	11, 15, 54, 93, 99, 163
<i>Isaak v. Turkey</i> , Judgment of 24 June 2008, no. 44587/98.	135
<i>Isayeva v. Russia</i> , Judgment of 24 February 2005, no. 57950/00	80, 177
<i>Istratii and Others v. Moldova</i> , Judgment of 27 March 2007, no. 8721/05, ..., 8742/05	127
<i>Ivison v. the United Kingdom</i> , Admissibility decision of 16 April 2002, no. 39030/97	142
<i>Jahn and Others v. Germany</i> , Judgment of 30 June 2002, 46720/99, ..., 72552/01	10
<i>James and Others v. the United Kingdom</i> , Judgment of 21 February 1986, no. 8793/79.	10
<i>Jankovic v. Croatia</i> , Judgment of 5 March 2009, no. 38478/05.	193
<i>Jasinskis v. Latvia</i> , Judgment of 21 December 2010, no. 45744/08.	127
<i>Kakkoulli v. Turkey</i> , Judgment of 22 November 2005, no. 38595/97	135
<i>Kalashnikov v. Russia</i> , Judgment of 15 July 2002, no. 47095/99	127
<i>Kalender v. Turkey</i> , Judgment of 15 December 2009, no. 4314/02	102, 109, 201
<i>Kanellopoulou v. Greece</i> , Judgment of 11 October 2007, no. 28504/05	131
<i>Karhuvaara and Iltalehti v. Finland</i> , Judgment of 16 November 2004, no. 53678/00	132, 133
<i>Karman v. Russia</i> , Judgment of 14 December 2006, no. 29372/02.	133
<i>Karnerv. Austria</i> , Judgment of 24 July 2003, no. 40016/98.	54
<i>Keegan v. Ireland</i> , Judgment of 26 May 1994, no. 27229/95	63, 129, 131, 138, 139
<i>Keenan v. the United Kingdom</i> , Judgment of 3 April 2001, no. 27229/95	163
<i>Kelly and Others v. the United Kingdom</i> , Judgment of 4 May 2001, no. 30054/96	200
<i>K.H. and Others v. Slovakia</i> , Judgment of 28 April 2009, no. 32881/04	71
<i>Kilic v. Turkey</i> , Judgment of 28 March 2000, no. 22492/93.	88, 107

<i>Kilinc and Others v. Turkey</i> , Judgment of 7 June 2005, no. 40145/98	83, 128, 177
<i>Kjeldsen, Busk Madsen and Pedersen v. Denmark</i> , Judgment of 7 December 1976, nos 5095/71; 5920/72; 5926/72	12
<i>Klass and Others v. Germany</i> , Judgment of 6 September 1978, no. 5029/71	12, 77, 119, 122, 123, 177, 180, 189
<i>Koku v. Turkey</i> , Judgment of 31 May 2005, no. 27305/95	88, 177, 199
<i>Kolevi v. Bulgaria</i> , Judgment of 5 November 2009, no. 1108/02	200
<i>Kontrova v. Slovakia</i> , Admissibility decision of 13 June 2006, no. 7510/04; Judgment of 31 May 2007, no. 7510/04	107, 182, 185, 189, 194
<i>Kop v. Turkey</i> , Judgment of 20 October 2009, no. 12728/05	59
<i>Korogodina v. Russia</i> , Judgment of 30 September 2010, no. 33512/04	200
<i>Korolev (II) v. Russia</i> , Admissibility decision of 1 July 2010, no. 25551/05	96
<i>Kosmopoulou v. Greece</i> , Judgment of 5 February 2004, no. 60457/00	138
<i>Kotalla v. the Netherlands</i> , Admissibility decision of 6 May 1978, no. 7994/77	127
<i>Krasulya v. Russia</i> , Judgment of 22 February 2007, no. 12365/03	131
<i>Kudla v. Poland</i> , Judgment of 26 October 2000, no. 30210/96	12, 175
<i>Kutzner v. Germany</i> , Judgment of 26 February 2002, no. 46544/99	131, 136, 137
<i>K.-W. v. Germany</i> , Judgment of 22 March 2001, no. 37201/97	135
<i>Kyriakides v. Cyprus</i> , Judgment of 16 October 2008, no. 39058/05	191
<i>L. v. Lithuania</i> , Judgment of 11 September 2007, no. 27527/03	82, 144, 150, 162, 165
<i>La Parola and Others v. Italy</i> , Admissibility decision of 30 November 2000, no. 39712/98	169
<i>Laghouti and Others v. Luxembourg</i> , Judgment of 5 April 2007, no. 33747/02	175
<i>Larioshina v. Russia</i> , Admissibility decision of 23 April 2002, no. 56869/00	144
<i>L.C.B. v. the United Kingdom</i> , Judgment of 9 June 1998, no. 23413/94	99, 189
<i>Le Compte, van Leuven and de Meyere v. Belgium</i> , Judgment of 23 June 1981, nos 6878/75; 7238/75	176
<i>Leander v. Sweden</i> , Judgment of 26 March 1987, no. 9248/81	122, 123
<i>Ledyayeva and Others v. Russia</i> , Judgment of 26 October 2006, no. 53157/99, nos 53247/99; 56850/00; 53695/00	60, 95, 96, 103
<i>Leempoel & S.A. ED. Ciné Revue v. Belgium</i> , Judgment of 9 November 2006, no. 64772/01	132, 133, 139
<i>Lenke v. Turkey</i> , Judgment of 5 June 2007, no. 17381/02	99, 116, 190
<i>Leonidis v. Greece</i> , Judgment of 8 January 2009, no. 43326/05	78, 124

<i>Liberty and Others v. the United Kingdom</i> , Judgment of 1 July 2008, no. 58243/00	122, 179
<i>Lingens v. Austria</i> , Judgment of 8 July 1986, no. 9815/82	14, 137
<i>Logvinenko v. Ukraine</i> , Judgment of 14 October 2010, no. 13448/07	127
<i>Loizidou v. Turkey</i> , Judgment of 24 March 1995, no. 15318/89	9, 15, 52
<i>Lombardo and Others v. Malta</i> , Judgment of 24 April 2007, no. 7333/06	137
<i>Lopez Ostra v. Spain</i> , Judgment of 9 December 1994, no. 16798/90	60, 100, 152, 185, 187
<i>Lukenda v. Slovenia</i> , Judgment of 6 October 2005, no. 23032/02	16
<i>Lyashko v. Ukraine</i> , Judgment of 10 August 2006, no. 21040/02	137
<i>L.Z. v. Romania</i> , Judgment of 3 February 2009, no. 22383/03	199
<i>McCann and Others v. the United Kingdom</i> , Judgment of 27 September 1995, no. 18984/91	28, 30, 76, 124
<i>McFeeley and Others v. the United Kingdom</i> , Admissibility decision of 15 May 1980, no. 8317/78	13
<i>McGinley and Egan</i> , Judgment of 9 June 1998, no. 21825/93	38
<i>McKerr v. the United Kingdom</i> , Judgment of 4 May 2001, no. 28883/95	200
<i>Maggiolini v. Italy</i> , Admissibility decision of 13 January 2000, no. 35800/97	152
<i>Mahmut Kaya v. Turkey</i> , Judgment of 28 March 2000, no. 22535/93	83, 89, 97, 99, 103, 107, 177
<i>Maiorano and Others v. Italy</i> , Judgment of 15 December 2009, no. 28634/06	87
<i>Makaratzis v. Greece</i> , Judgment of 20 December 2004, no. 50385/99	78, 124, 179
<i>Makuc and Others v. Slovenia</i> , Admissibility decision of 31 May 2007, no. 26828/06	151, 154, 160, 161, 162, 163
<i>Malone v. the United Kingdom</i> , Judgment of 2 August 1984, no. 8691/79	121
<i>Marckx v. Belgium</i> , Admissibility decision of 29 September 1975, no. 6833/74	22, 24
<i>Marckx v. Belgium</i> , Judgment of 13 June 1979, no. 6833/74	24, 25, 55, 64, 74, 85, 91, 92, 118, 143, 149, 173, 182
<i>Marin v. Romania</i> , Judgment of 3 February 2009, no. 30699/02	132
<i>Marzari v. Italy</i> , Admissibility decision of 4 May 1999, no. 36448/97	152, 160
<i>Mastromatteo v. Italy</i> , Judgment of 24 October 2002, no. 37703/97 .	87, 103
<i>Maurice v. France</i> , Judgment of 6 October 2005, no. 11810/03	74, 196
<i>M.C. v. Bulgaria</i> , Judgment of 4 December 2003, no. 9272/98	107, 177, 193, 198, 200
<i>Mechenkov v. Russia</i> , Judgment of 7 February 2008, no. 35421/05	143, 163
<i>Menchinskaya v. Russia</i> , Judgment of 15 January 2009, no. 42454/02	176

<i>Menson and Others v. the United Kingdom</i> , Admissibility decision of 6 May 2003, no. 47916/99	177, 198, 199, 200
<i>Mentese and Others v. Turkey</i> , Judgment of 18 January 2005, no. 36217/97	199
<i>Mojsiejew v. Poland</i> , Judgment of 24 March 2009, no. 11818/02	127
<i>Molka v. Poland</i> , Admissibility decision of 11 April 2006, no. 56550/00	14, 143, 146, 152, 154, 158, 164, 167
<i>Monnat v. Switzerland</i> , Judgment of 21 September 2006, no. 73604/01	97, 180, 189
<i>Moreno Gomez v. Spain</i> , Judgment of 16 November 2004, no. 4143/02	74, 89, 143
<i>Moscow branch of the Salvation Army v. Russia</i> , Judgment of 5 October 2006	1
<i>Mubilanzila Mayeka and Kaniki Mitunga v. Belgium</i> , Judgment of 12 October 2006, no. 13178/03	127, 143, 163
<i>Muisel v. France</i> , Judgment of 14 November 2002, no. 67263/01	127, 143, 163
<i>Murillo Saldias and Others v. Spain</i> , Admissibility decision of 28 November 2006, no. 76973/01	38, 188
<i>Musayev and Others v. Russia</i> , Judgment of 26 July 2007, nos 57941/00; 58699/00; 60403/00	177
<i>N. v. the United Kingdom</i> , Judgment of 27 May 2008, no. 26565/05	127
<i>National Union of Belgian Police v. Belgium</i> , Judgment of 27 October 1975, no. 4464/70	108
<i>Nicholas v. Cyprus</i> , Admissibility decision of 14 March 2000, no. 37371/97	183
<i>Niemietz v. Germany</i> , Judgment of 16 December 1992, no. 13710/88	13, 158
<i>Nitecki v. Poland</i> , Admissibility decision of 21 March 2002, no. 65653/01	151, 161, 168
<i>Norris v. Ireland</i> , Judgment of 26 October 1988, no. 10581/83	180
<i>Nuray Sen v. Turkey</i> (No. 2), Judgment of 30 March 2004, no. 25354/94	199
<i>Ocalan v. Turkey</i> , Judgment of 12 May 2005, no. 46221/99	194
<i>Ockan and Others v. Turkey</i> , Judgment of 28 March 2006, no. 46771/99	99, 190
<i>O'Donoghue and Others v. the United Kingdom</i> , Judgment of 14 December 2010, no. 34848/07	94
<i>Ogur v. Turkey</i> , Judgment of 20 May 1999, no. 21594/93	200
<i>Ollinger v. Austria</i> , Judgment of 29 June 2006, no. 76900/01	134, 137
<i>Oluic v. Croatia</i> , Judgment of 20 May 2010, no. 61260/08	60, 74, 185
<i>Oneryildiz v. Turkey</i> , Judgment of 18 June 2002, no. 48939/99; Judgment of 30 November 2004, no. 48939/99 (Grand Chamber)	3, 38, 74, 83, 84, 86, 98, 101, 109, 116, 117, 118, 178, 189, 191, 192, 197, 201

<i>Opuz v. Turkey</i> , Judgment of 9 June 2009, no. 33401/02.	90, 112, 116, 135, 188, 199, 200
<i>O'Reilly and Others v. Ireland</i> , Admissibility decision of 28 February 2002, no. 54725/00	60, 146
<i>Ormanni v. Italy</i> , Judgment of 17 July 2007, no. 30278/04	131, 132
<i>O'Rourke v. the United Kingdom</i> , Admissibility decision of 26 June 2001, no. 39022/97.....	160, 162
<i>Osman v. the United Kingdom</i> , Judgment of 28 October 1998, no. 23452/94	83, 88, 97, 99, 101, 103, 107, 111, 112, 116, 189, 191, 192, 193, 199
<i>Osmanoglu v. Turkey</i> , Judgment of 24 January 2008, no. 48804/99..	88, 199
<i>Ouranio Toxo v. Greece</i> , Judgment of 20 October 2005, no. 74989/01	133
<i>Oyal v. Turkey</i> , Judgment of 23 March 2010, no. 4864/05.....	191
<i>Ozgur Gundem v. Turkey</i> , Judgment of 16 March 2000, no. 23144/93	89
<i>Ozpinar v. Turkey</i> , Judgment of 19 October 2010, no. 20999/04.....	12
<i>Palushi v. Austria</i> , Judgment of 22 December 2009, no. 27900/04.....	127
<i>Papon v. France</i> , Admissibility decision, 7 June 2001, no. 6466/01	127
<i>Pasa and Erkan Erol v. Turkey</i> , Judgment of 12 December 2006, no. 51358/99.....	83
<i>Passannate v. Italy</i> , Admissibility decision of 1 July 1998, no. 32647/96	74
<i>Peev v. Bulgaria</i> , Judgment of 26 July 2007, no. 64209/01.....	131
<i>Pentiacova and 48 Others v. Moldova</i> , Admissibility decision of 4 January 2005, no. 14462/03	164
<i>Pereira Henriques v. Luxembourg</i> , Judgment of 9 May 2006, no. 60255/00	198, 199, 200
<i>Peretyaka and Sheremetyev v. Ukraine</i> , Judgment of 21 December 2010, nos 17160/06 and 35548/06	96
<i>Pfeifer v. Austria</i> , Judgment of 15 November 2007, no. 12556/03	132, 133
<i>Pilcic v. Croatia</i> , Judgment of 17 January 2008, no. 33138/06	127
<i>Pla and Puncernau v. Andorra</i> , Judgment of 13 July 2004, no. 69498/01	35, 37, 118
<i>Plattform 'Arzte fur das Leben' v. Austria</i> , Admissibility decision of 17 October 1985; Judgment of 21 June 1988, no. 10126/82	32, 45, 89, 105, 133, 136, 178
<i>Poghosyan v. Georgia</i> , Judgment of 24 February 2009, no. 9870/07.....	143
<i>Powell v. the United Kingdom</i> , Admissibility decision of 4 May 2000, 45305/99.....	191, 195, 197
<i>Powell and Rayner v. the United Kingdom</i> , Admissibility decision of 16 July 1986, no. 9310/81 and Report of 19 January 1989; Judgment of 21 February 1990, no. 9310/81	32, 47, 60, 66, 80, 84, 178, 180

<i>Poznanski and Others v. Germany</i> , Admissibility decision of 3 July 2007, no. 25101/05.....	10
<i>Pretty v. the United Kingdom</i> , Judgment of 29 April 2002, no. 2346/02	10, 12, 84, 135, 136, 144, 152, 162, 163
<i>Price v. the United Kingdom</i> , Judgment of 10 July 2001, no. 33394/96	126, 127, 143, 163
<i>R. v. Secretary for Home Department ex parte Daly</i> [2001] UKHJ 26	57, 186
<i>Ramsahai and Others v. the Netherlands</i> , Judgment of 10 November 2005, no. 52391/99; Judgment of 15 May 2007, no. 52391/99 (Grand Chamber)	124
<i>Rantsev v. Cyprus and Russia</i> , Judgment of 7 January 2010, no. 25965/04	84
<i>Rees v. the United Kingdom</i> , Judgment of 17 October 1986, no. 9532/81, para. 37	60, 62, 147
<i>Reklos and Davourlis v. Greece</i> , Judgment of 15 January 2009, no. 1234/05	13
<i>Riad and Idiab v. Belgium</i> , Judgment of 24 January 2008, nos 29787/03 and 29810/03	127
<i>Rink v. France</i> , Admissibility decision of 19 October 2010, no. 18774/09	96
<i>Rotaru v. Romania</i> , Judgment of 4 May 2000, no. 28341/95 ...	121, 122, 123
<i>Ruano Morcuende v. Spain</i> , Admissibility decision of 6 September 2005, no. 75287/01	65, 69, 147
<i>Rumpf v. Germany</i> , Judgment of 2 September 2010, no. 46344/06.....	16
<i>Salah Sheekh v. the Netherlands</i> , Judgment of 11 January 2007, no. 1948/04	135, 158
<i>Salgin v. Turkey</i> , Judgment of 20 February 2007, no. 46748/99.....	128
<i>Sanocki v. Poland</i> , Judgment of 17 July 2007, no. 28949/03	131, 133
<i>Saviny v. Ukraine</i> , Judgment of 18 December 2008, no. 39948/06	138
<i>Saygili and Falakaoglu v. Turkey</i> , Judgment of 21 October 2008, no. 39457/03.....	136
<i>Schussel v. Austria</i> , Admissibility decision of 21 February 2002, no. 42409/98	132
<i>Scialacqua v. Italy</i> , Admissibility decision of 1 July 1998, no. 34151/96	161
<i>Scoppola v. Italy</i> , Judgment of 10 June 2008, no. 50550/06.....	127
<i>Scozzari and Giunta v. Italy</i> , Judgment of 13 July 2000, nos 39221/98; 41963/98.....	138
<i>Sellem v. Italy</i> , Judgment of 5 May 2009, no. 12584/08.....	194
<i>Selmouni v. France</i> , Judgment of 28 July 1999, no. 25803/94.....	81, 188
<i>Sentges v. the Netherlands</i> , Admissibility decision of 8 July 2003, no. 27677/02	146, 149, 152, 158, 164
<i>Serifis v. Greece</i> , Judgment of 2 November 2006, no. 27695/03,..., 33986/96.....	127