

# Contents

<i>Preface</i>	ix
<i>Table of Cases</i>	xi
<b>1. Introduction</b>	1
<b>2. Article 2: Right to life</b>	7
Planning and control of security forces' operations.	7
Protective policing measures.	15
Provision of medical services.	22
To investigate killings.	27
General conclusions.	40
<b>3. Article 3: Prohibition of torture</b>	43
Protective measures.	43
Provision of acceptable conditions of detention.	48
Provision of adequate medical treatment for detainees.	52
The duty to investigate allegations of serious ill-treatment by state agents.	59
General conclusions.	64
<b>4. Article 5: Right to liberty and security</b>	67
The duties to account for detainees and take effective measures to safeguard against the risk of their disappearing whilst in custody	68
The duty to investigate allegations that persons in custody have disappeared.	70
The duty to inform promptly detained persons of the reasons for their detention.	72
The duty to bring detainees suspected of having committed a criminal offence promptly before a judge or judicial officer.	75
To grant detainees bail unless there are public interest grounds justifying their continued detention pending trial.	80
Access to a court for the speedy determination of the lawfulness of a person's detention.	82
General conclusions.	96

<b>5. Article 6: Right to a fair trial</b>	<b>97</b>
Article 6(1)	98
A fair and public hearing for the determination of a person’s civil rights and obligations or of any criminal charge against him/her.	98
To determine civil and criminal cases within a reasonable time.	
An independent and impartial tribunal.	110
To provide public judgments.	112
Article 6(3)	114
To inform promptly charged persons, in a language that they understand, of the detailed nature and cause of the accusations against them.	115
To enable defendants to have adequate time and facilities for the preparation of their defences.	116
To provide free legal assistance to defendants when the interests of justice so require and they cannot afford to pay for it.	117
To provide defendants with an adequate opportunity to challenge adverse witnesses.	120
To provide the free assistance of an interpreter if a person charged with a criminal offence cannot understand or speak the language used in court.	122
General conclusions.	124
<b>6. Article 8: Right to respect for private and family life</b>	<b>127</b>
Private life	127
Protection of persons from sexual abuse.	127
Official recognition of transsexuals.	130
Official recognition of the choice of names.	138
Access to official information.	142
Establishing paternity.	147
Provision of facilities for disabled/ill persons.	148
Family life	151
Legal recognition of the family relationship between parent(s) and illegitimate children.	151
Taking children into public care.	155
Reuniting children with their natural parents.	162
Marital separation.	169
Immigration decisions concerning the admission of non-national family members.	171
Facilitating the traditional lifestyle of minorities.	176
Provision of family welfare payments.	180

Home	181
Protection from pollution.	181
Correspondence	186
General conclusions.	186
<b>7. Articles 9, 10, 11 and 14</b>	<b>189</b>
Article 9: Freedom of thought, conscience and religion	189
Protection of freedom of thought, conscience and religion.	189
Article 10: Freedom of expression	191
State provision of information.	192
Protection of freedom of expression.	194
Article 11: Freedom of assembly and association	195
Protection of peaceful assembly.	196
Protection of freedom of association.	198
Article 14: Prohibition of discrimination	202
To treat persons differently according to their relevant individual circumstances.	202
General conclusions.	204
<b>8. Article 13: Right to an effective remedy</b>	<b>205</b>
To provide effective domestic remedies.	205
An effective domestic remedy to determine complaints regarding unreasonable delays in civil and criminal proceedings.	210
Obligations of effective investigations.	211
General conclusions.	220
<b>9. Conclusions</b>	<b>221</b>
<i>Index</i>	233