

# A summary of key ECHR rights

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**Additional resource • *Introduction to immigration law and immigration advice in the UK***

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## Article 1

Outlines the obligation to respect human rights.

The High Contracting Parties shall secure to everyone within their jurisdiction the rights and freedoms defined.

## Article 2

Covers the right to life.

This did not originally prohibit the death penalty. This was abolished by Protocol 6, which abolished the death penalty in times of peace.

Protocol 13 abolishes the death penalty in time of war (and has yet to be ratified by the UK).

This provides an example of how the ECHR has responded to social and political change.

## Article 3

Covers the prohibition of torture.

Case law here has considered the use of hooding, deprivation of sleep, the use of prolonged assaults, deportation and serious and prolonged mistreatment of children who were in local authority care.

## Article 4

Covers the prohibition of slavery and forced labour.

The court has rarely considered this, and no violation has ever been found. Cases considered include individuals who have complained about the work they were required to do whilst they were in detention.

## Article 5

Covers the right to liberty and security.

This has been an area where many cases have been considered. It covers matters such as bail pending trial, the review of life sentences and parole, and the detention of terrorists or suspected terrorists.

## **Article 6**

Covers the right to a fair trial.

This is one of the fundamental principles of the ECHR, because it relates to the fair administration of justice. Case law has covered the meaning of a criminal charge, access to legal advice, evidence and procedural impartiality.

## **Article 7**

Covers the right not to be punished without law.

This requires that punishment can only follow from proper proceedings.

## **Article 8**

Covers the right to respect for family and private life.

Case law here has been wide-ranging and included the right to choose in sexual relations, press intrusion, prisoners' letters, police surveillance, the refusal of planning permission, noise pollution, transsexuals and adoption

## **Article 9**

Covers freedom of thought, conscience and religion.

Case law here has covered limitations on practising religion in prison. This right does not include a right to be free from criticism.

## **Article 10**

Covers freedom of expression.

Case law here has included injunctions against printing stories in newspapers, the seizure of film, the dissemination of information on abortion and pre-trial publicity.

## **Article 11**

Covers freedom of assembly and association.

Case law here has generally involved union membership, closed shops and a ban on joining unions.

## **Article 12**

Covers the right to marry.

The Court has always been reluctant to interfere with domestic laws that regulate marriage, although it has done so in cases involving same-sex couples, transsexuals and prisoners.

### **Article 13**

Provides the right to an effective remedy.

The remedy of judicial review has been challenged under this article. This article was not incorporated by the Human Rights Act 1998.

### **Article 14**

Covers the prohibition of discrimination in relation to other convention rights.

This is only applicable to other ECHR rights and does not provide a right not to be discriminated against.

### **Article 15**

Covers derogations in times of emergency.

Derogations are permitted in limited circumstances: for example, Member States may derogate from their obligations in times of war, public emergency. It is not however possible for a state to derogate from Articles 2 (except in lawful deaths resulting from acts of war), 3, 4 and 7.

### **Article 16**

Provides for restrictions on political activity of aliens.

This is often criticised because it seems contrary to the spirit of the ECHR and implies that it is acceptable to discriminate against a particular group.

### **Article 17**

Covers a prohibition of abuse of rights

### **Article 18**

A limitation on using restrictions on rights.