Contents

Pre	eface	ix
Ta	Table of Cases	
1.	Introduction	1
2	Article 2: Right to life	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
3.	Article 3: Prohibition of torture	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
4.	Article 5: Right to liberty and security	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	80
	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
	Ocheral Conclusions.	70

5.	Article 6: Right to a fair trial	97
	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	115
	against them.	115
	To enable defendants to have adequate time and facilities for	11/
	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	117
	for it.	11/
	To provide defendants with an adequate opportunity to	120
	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
6.	Article 8: Right to respect for private and family life	127
	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

	Contents	vii
	Home	181
	Protection from pollution.	181
	Correspondence	186
	General conclusions.	186
7.	Articles 9, 10, 11 and 14	189
	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
8.	Article 13: Right to an effective remedy	205
	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
9.	Conclusions	221
Inc	dex	233