THEORY AND PRACTICE OF THE EUROPEAN CONVENTION
ON HUMAN RIGHTS
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ON HUMAN RIGHTS

Fifth edition

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intersentia
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PREFACE TO THE FIFTH EDITION

The publication of this fifth edition of *Theory and Practice of the European Convention on Human Rights* is again a cause of great satisfaction and gratitude. However, there is also sorrow. In 2015 Fried van Hoof, one of the two co-founders of this book, passed away after a battle against an illness he could not win. Every day we are missing his inspiration and engagement for the cause of human rights which, amongst many other human rights activities, was reflected in the preceding editions of this book. We are grateful for all Fried van Hoof gave to us in the many years we shared. Therefore, we dedicate this edition especially to him. Also, we dedicate this edition to Pieter van Dijk, the second co-founder of this book. In 2013, after a long and successful career as a human rights university professor, a judge in the European Court of Human Rights and a member of the Council of State of the Netherlands, he retired and chose not to participate in the next edition anymore. We are also missing his inspiring engagement. At the same time, we are grateful that we could learn so much from his passionate attitude towards the human rights cause and from his detailed knowledge in all respects. It is our ambition to pursue this book in the founders’ spirit.

This book’s lasting ambition is to give an overview of the case law of the European Court of Human Rights in respect to the rights protected by the European Convention on Human Rights and Fundamental Freedoms and its Protocols, and to do this in such manner that an added value in relation to the existing online databases can be demonstrated. In this perspective, developments in case law since 2006 have been incorporated in the fifth edition. In addition, we have strived for further improvements in presenting the issues at stake. The sheer amount of case law is tremendous and ever growing. Finding ways to cope with this is an ongoing process. In light of this, we are also planning to present interim online updates of the case law concerning individual articles of the Convention on an annual basis.

*Theory and Practice of the European Convention on Human Rights* has a history which goes back to 1979. The first editions were written by their founders Pieter van Dijk and Fried van Hoof. On behalf of the third edition (1998) the team of authors was extended with Aalt Willem Heringa, Jeroen Schokkenbroek, Ben Vermeulen, Marc Viering and Leo Zwaak. In addition, Yutaka Arai, Edwin Bleichrodt, Kees Flinterman and Arjen van Rijn joined the authors’ team for the fourth edition (2006).
This fifth edition is again the result of the joint commitment of many people. A large team of specialised and experienced authors have written and revised the book’s individual chapters. We thank them for their willingness, dedication and patience. In particular, we would like to thank Janneke Gerards and Antoine Buyse for their commitment as co-editors in the first phase of the preparations for the fifth edition. We are grateful to Bas van Bockel, Hansko Broeksteeg and Stefan Sottiaux for their willingness not only to act as authors but as reviewers as well. We express special words of acknowledgment to Linus Hesselink, desk editor and coordinator during the second phase of the preparations for the fifth edition. In particular, he was assigned the task to drive the flock through the gate in time, which he managed extraordinarily well, never despairing. Further, we would like to thank Dylan Helmich for his committed research assistance. Last but not least, we express great thanks to our publisher Kris Moeremans for whom, as a strong believer, no effort was ever too big to make this edition a success. Without his commitment and generosity, and without the dedicated engagement of his staff, we would not have been able to succeed.

Arjen van Rijn
Leo Zwaak

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# LIST OF ABBREVIATIONS

A. Publications of the European Court of Human Rights; Judgments and Decisions, Series A  
AJIL American Journal of International Law  
Appl(s) Application(s) lodged with the Commission under Article 24 of the Convention  

B. Publications of the European Court of Human Rights; Pleadings, Oral Arguments and Documents, Series B  
Coll. Collection of Decisions of the European Commission of Human Rights  
Cons. Ass. Consultative Assembly of the Council of Europe  
D&R Decisions and Reports of the European Commission of Human Rights  
HRLJ Human Rights Law Journal  
ICJ Reports International Court of Justice, Reports of Judgments, Advisory Opinions and Orders  
ILM International Legal Materials  
ILO International Labour Organization  
Para(s) Paragraph(s)  
Parl. Ass. Parliamentary Assembly of the Council of Europe  
RCADI Recueil des Cours de l’Académie de Droit International de la Haye  
Reports Reports of Judgments and Decisions. Publication of the case-law of the Commission and the Court (as from 1996)  
Res. Resolution  
UN United Nations  
UN Doc. United Nations Documents  
UNHCR United Nations High Commissioner for Refugees  
UNTS United Nations Treaty Series  
Yearbook Yearbook of the European Convention on Human Rights