

W201 The Individual and the State

The European Convention on Human Rights

The structure of a convention right

LAW	WHO RELIES ON IT	COMMENT
Convention Right	Citizen	Interpreted broadly
Restriction	State	Interpreted narrowly
must be a “legitimate aim” eg national security public safety crime morals		
must be “prescribed by law”		ie written down and not an unfettered discretion
must be “necessary in a democratic society”		ie there must be a pressing social need
Proportionality	Citizen	Both restriction itself and the way it is used in the particular case must be proportionate
	Restricts the restriction	
	Extends the restriction	
Margin of appreciation	State	