

ECHR EXCEPTIONS

Any exception must be backed by national law; have a legitimate aim, and be applied proportionately i.e. as lightly as possible consistent with meeting the aim

As well as the various exceptions states also have some discretion (a "margin of appreciation") to deal with cultural differences etc

If "health and morals" raises eyebrows, case law usually moderates the issue by the requirement for proportionality

ARTICLES 1 - 7 - including the Right to Life and the 3 absolute rights: Articles 3, 4 & 7.

Article	Right or prohibition	Exception	Notes
1	States must provide these rights for EVERYONE WITHIN THEIR JURISDICTIONS		
2	LIFE	To defend a person from unlawful violence; to effect a lawful arrest; to quell a riot	
3	TORTURE, INHUMAN & DEGRADING TREATMENT	None	
4	SLAVERY, SERVITUDE OR FORCED LABOUR	None	Prison // civil or military / service are not FL
5	LIBERTY	After conviction by competent court; For non-compliance w court order; During arrest on reasonable suspicion; A minor for education; To prevent infection; alcoholics and mentally ill persons; To prevent entry of or to deport unlawful immigrants.	
6	FAIR & PUBLIC HEARING	Public may be excluded in interests of morals, public order or national security, in the interests of juveniles or of parties' private lives; or when the court considers publicity would harm justice.	
7	RETROACTIVE PUNISHMENT	None	Can try for past deeds that were at the time unlawful

ARTICLES 8 - 14: Qualified rights that allow various of the legitimate exceptions: all must be backed by law & applied only as severely as is necessary to achieve the aim (i.e. proportionately)

Article:	RIGHT	AIMS OF EXCEPTIONS	National Security	Public safety	Economic Wellbeing	Crime Prevention	Protection of Health or Morals	Rights & Freedoms of Others
8	PRIVACY & FAMILY LIFE		+	+	+	+	+	+
9	THOUGHT, CONSCIENCE & RELIGION			+			+	+
10	FREE EXPRESSION		+ & territorial integrity	+		+	+	+ & others' reputation
11	ASSEMBLY & ASSOCIATION		+	+		+	+	+
12	TO MARRY	Acc to law & if of age						
13	EFFECTIVE REMEDY	HR Act did not incorporate						
14	EQUAL RIGHTS ACCESS	No exceptions						
15	DEROGATION (temporary withdrawal from ECHR)	If national emergency threatening life of nation	From Right to Life only for deaths directly from a war	No withdrawal from Arts. 3, 4 & 7				
Protocol 1	(1) Property; (2) Education; (3) Election	Any exception to be for a valid aim and applied proportionately						