

Evropský soud pro lidská práva

Hubert Smekal

EVS441 Judicializace

1. prosince 2016

RE



Proč vznikají mez. LP režimy?

- A. Moravcsik ([IO, 2000](#); [EJIR, 1995](#))
- Proč by jakákoliv vláda preferovala zřízení efektivní nezávislé mezinárodní autority, která omezuje její domáci suverenitu?
 - Realistický pohled
 - Idealistický pohled
 - „Republican liberalism“ – „domestic political self-interest of governments“, „lock in“. Když přínos redukce budoucí politické nejistoty > „sovereignty costs“
- Doporučeno: [Eric VOETEN](#)





Quick Links



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Official visits

Visit by the Minister of the Interior and Public Administration of Slovenia

26/09/2013



On 26 September 2013, Gregor Virant, Minister of the Interior and Public Administration of Slovenia, visited the Court and was received by ...

Visit by a delegation of the Supreme Administrative Court of Sweden

26/09/2013



On 26 September 2013, President Spielmann received a delegation of the Supreme Administrative Court of Sweden led by his ...

Visit by the Minister of Justice of Bosnia and Herzegovina

25/09/2013



On 24 September 2013, Bariša Čolak, Minister of Justice of Bosnia and Herzegovina, visited the Court and was received by Josep ...

Judgment concerning Germany

19/09/2013



In the case of **von Hannover v. Germany (no. 3)** the Court found that there had been no violation of the Convention. In this case Princess Caroline von Hannover complained about the refusal of the German courts to prohibit any new publication of a photo which she considered to be an invasion of her privacy.

[Press release](#)

[Right to the protection of one's image](#)

Chamber judgments

Judgment concerning Croatia

19/09/2013

In the case of **Stojanović v. Croatia** the Court found a violation of the applicant's freedom of expression. The case concerns his conviction for defamation of the Croatian ...

Hearings

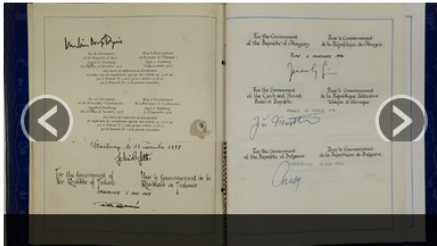
Hearing concerning Russia

18/09/2013



The Court held a Grand Chamber in the case of **Svinarenko and Slyadnev v. Russia**. ...

60th anniversary of entry into force of the Convention



Forthcoming hearings

27/09/2013



In October 2013, the Court will be holding hearings in the cases of **Anca Mocanu and Others v. Romania, Natsvlishvili & Togonidze v. Georgia and Hämäläinen v. Finland**.

[Press release](#)

[Calendar of hearings](#)

President's news

Conference in the ICJ, The Hague

24/09/2013

On 23 September 2013, President Spielmann took part in a conference organised to celebrate the Centenary of the Peace Palace in The Hague on the theme entitled "The ...

Other information

New videos

10/09/2013



The Court is publishing 10 new language versions of the video clip on the criteria for admissibility, designed to inform potential ...

Other judgments and decisions

01/10/2013

[13 judgments](#)

26/09/2013

- [Judgment Zambotto Perrin v. France](#)
- [Decision Gray v. France](#)
- [Decision Robineau v. France](#)

Forthcoming judgments

01-03/10/2013

[13 & 15 judgments](#)

Evropská úmluva pro LP



System Evropské úmluvy o LP se stal nejefektivnějším mezinárodním mechanismem ochrany LP ve světě.

11. protokol (1. 11. 1998)

14. protokol (1. 6. 2010)

Podání stížnosti

- Kdo
- Kdy
- Kde
- Jaká práva

Chart 1 Applications allocated to a judicial formation per year

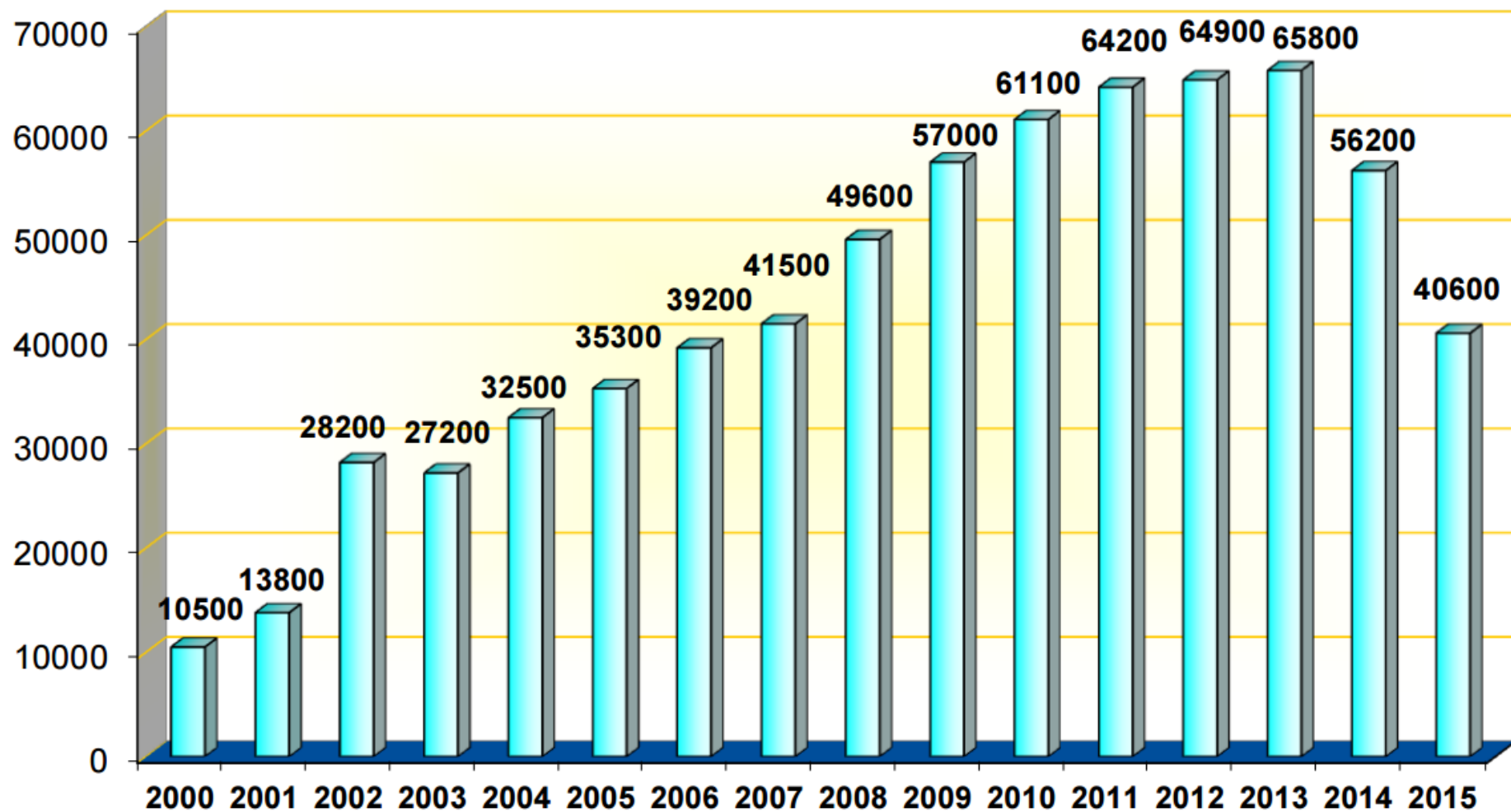


Chart 2 Applications pending before a judicial formation

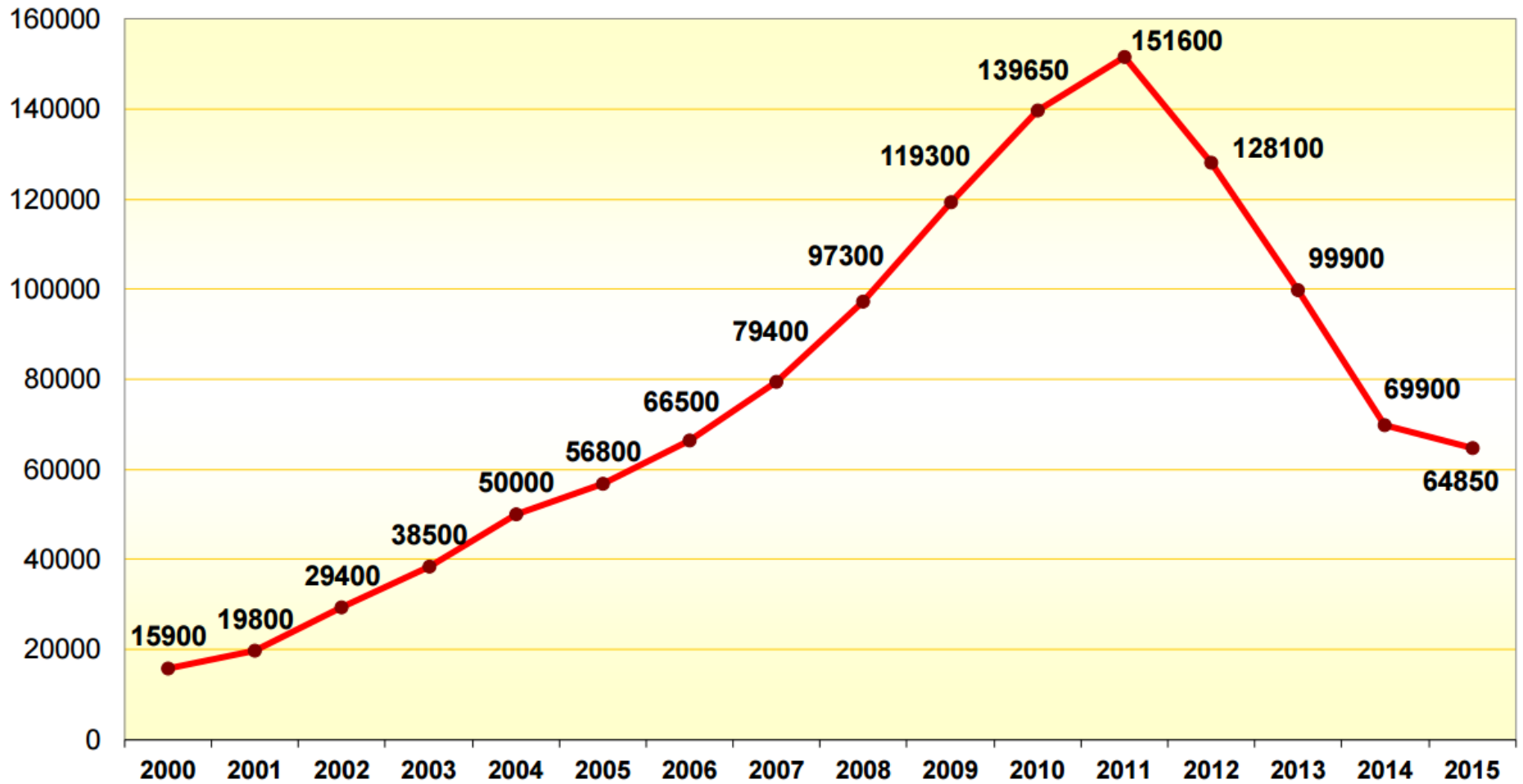
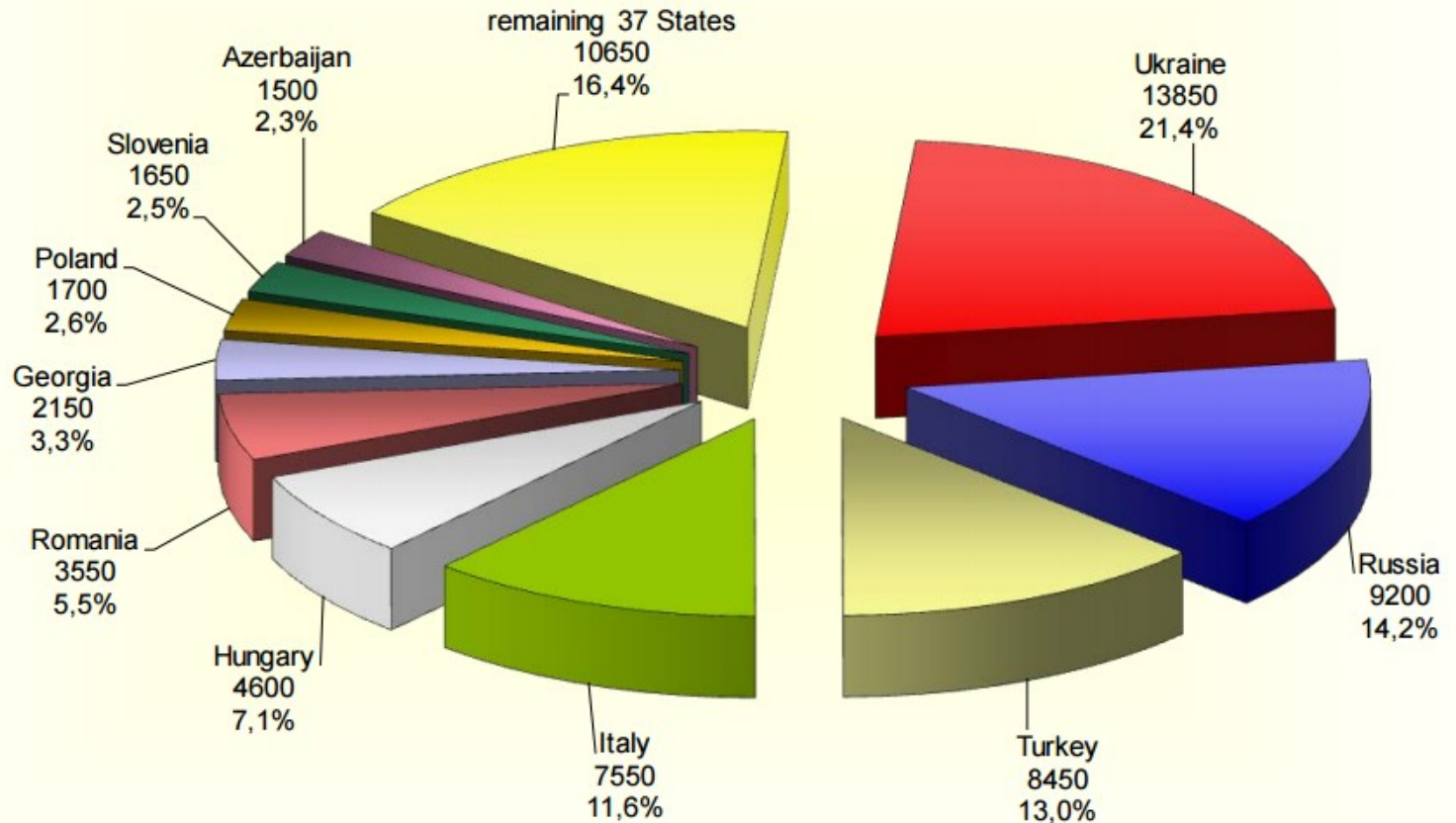
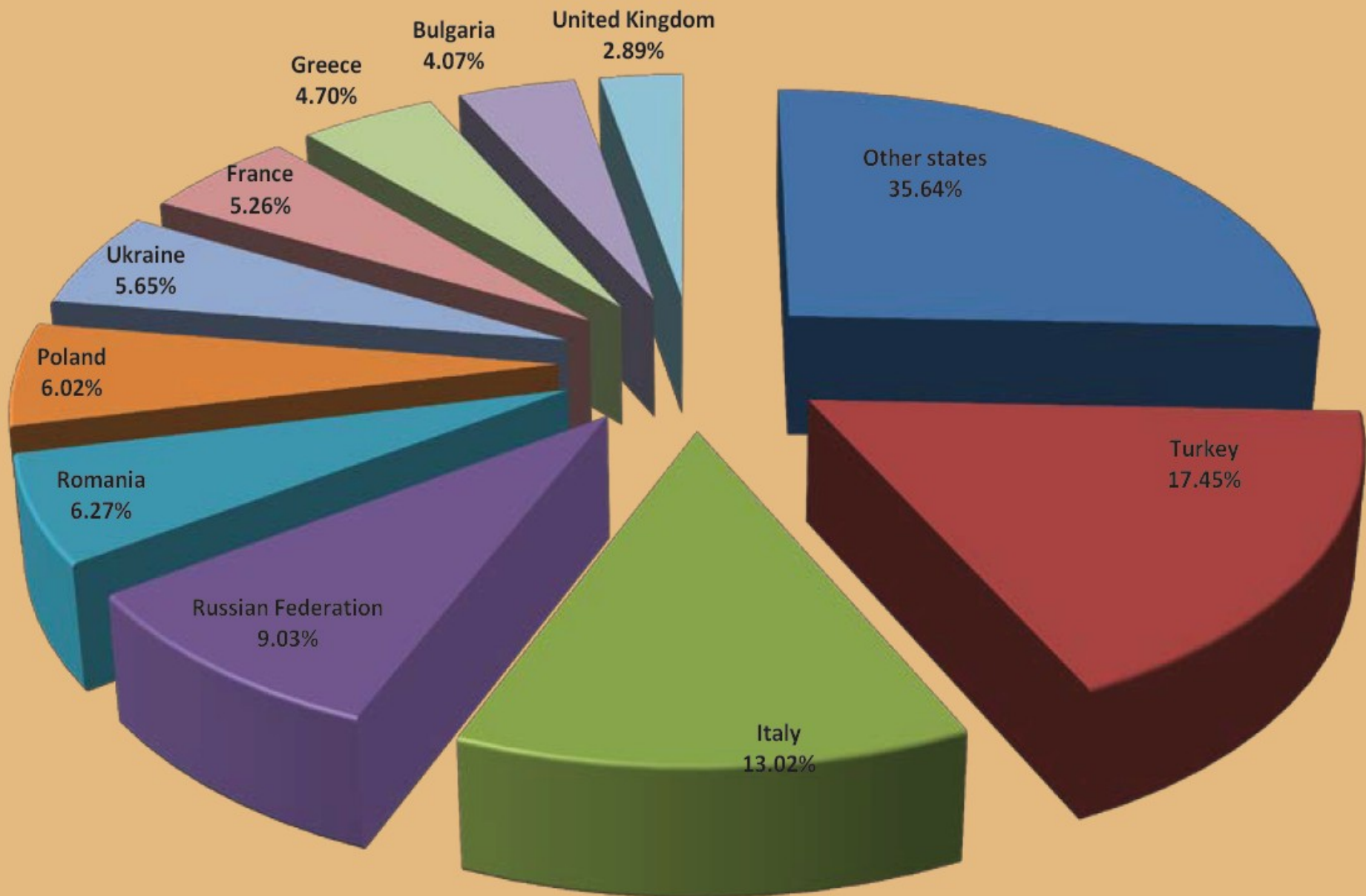


Chart 3 High case-count States (more than 1,500 applications pending before a judicial formation)

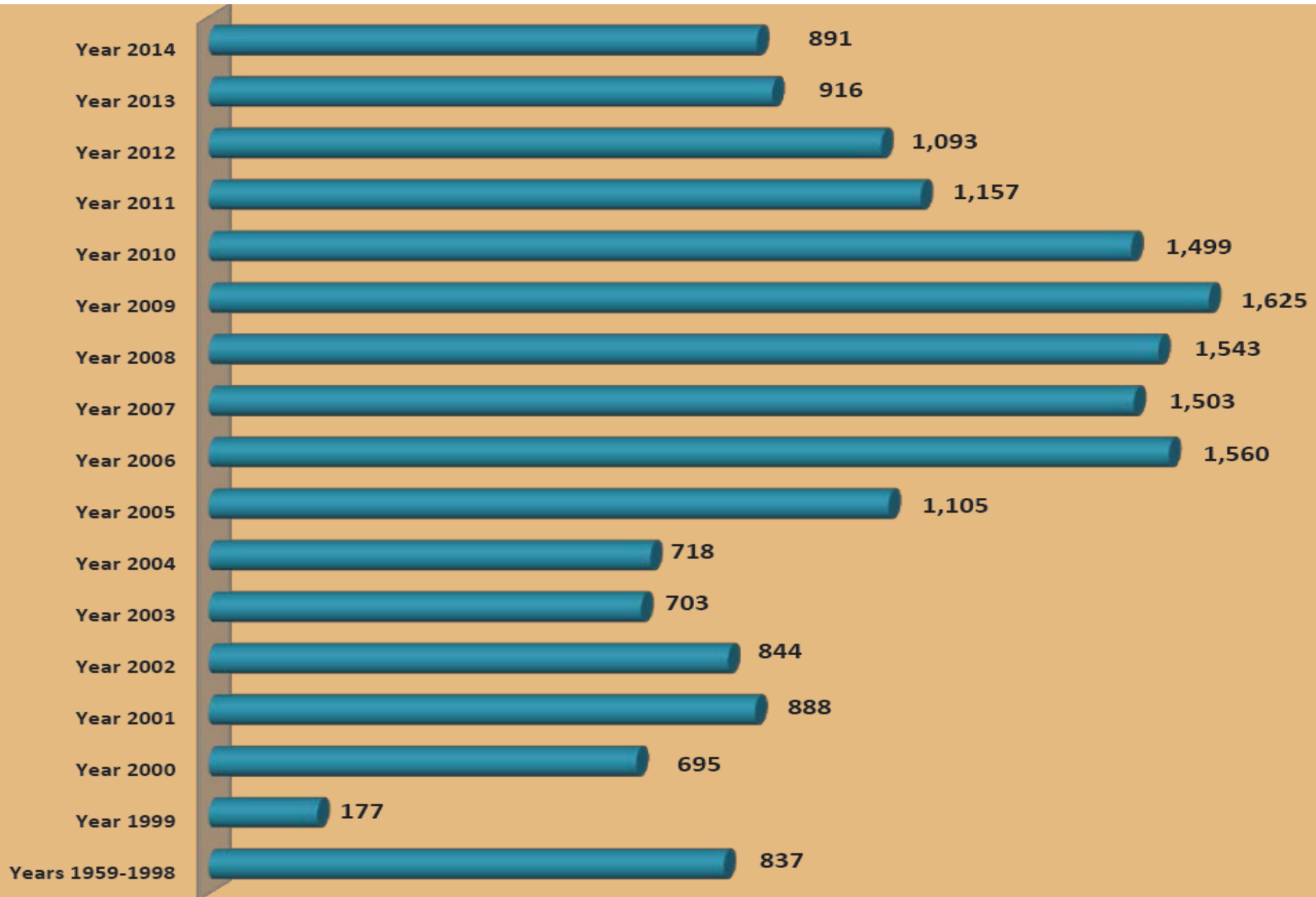


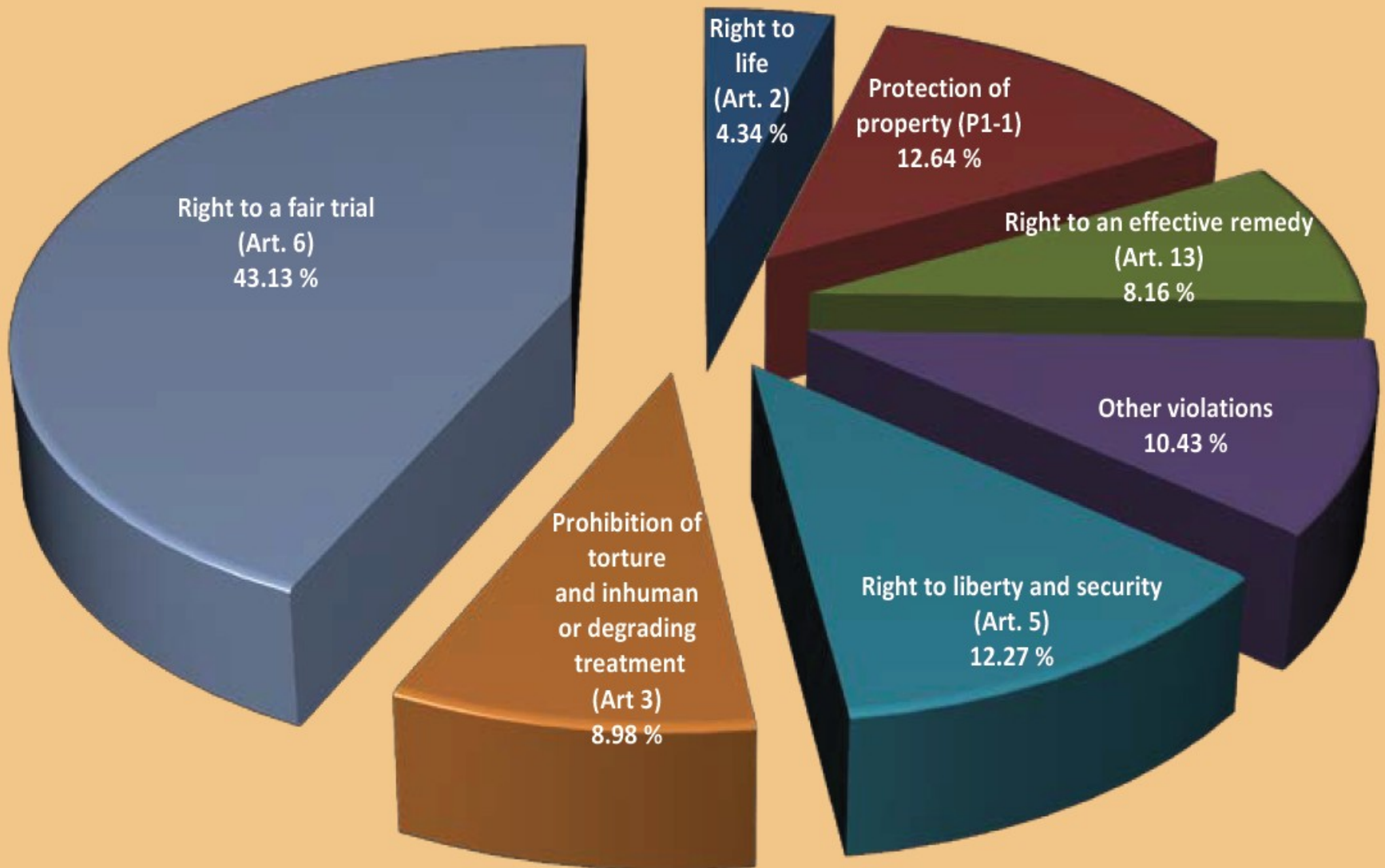
Total number of pending applications: 64,850

Violation judgments by State



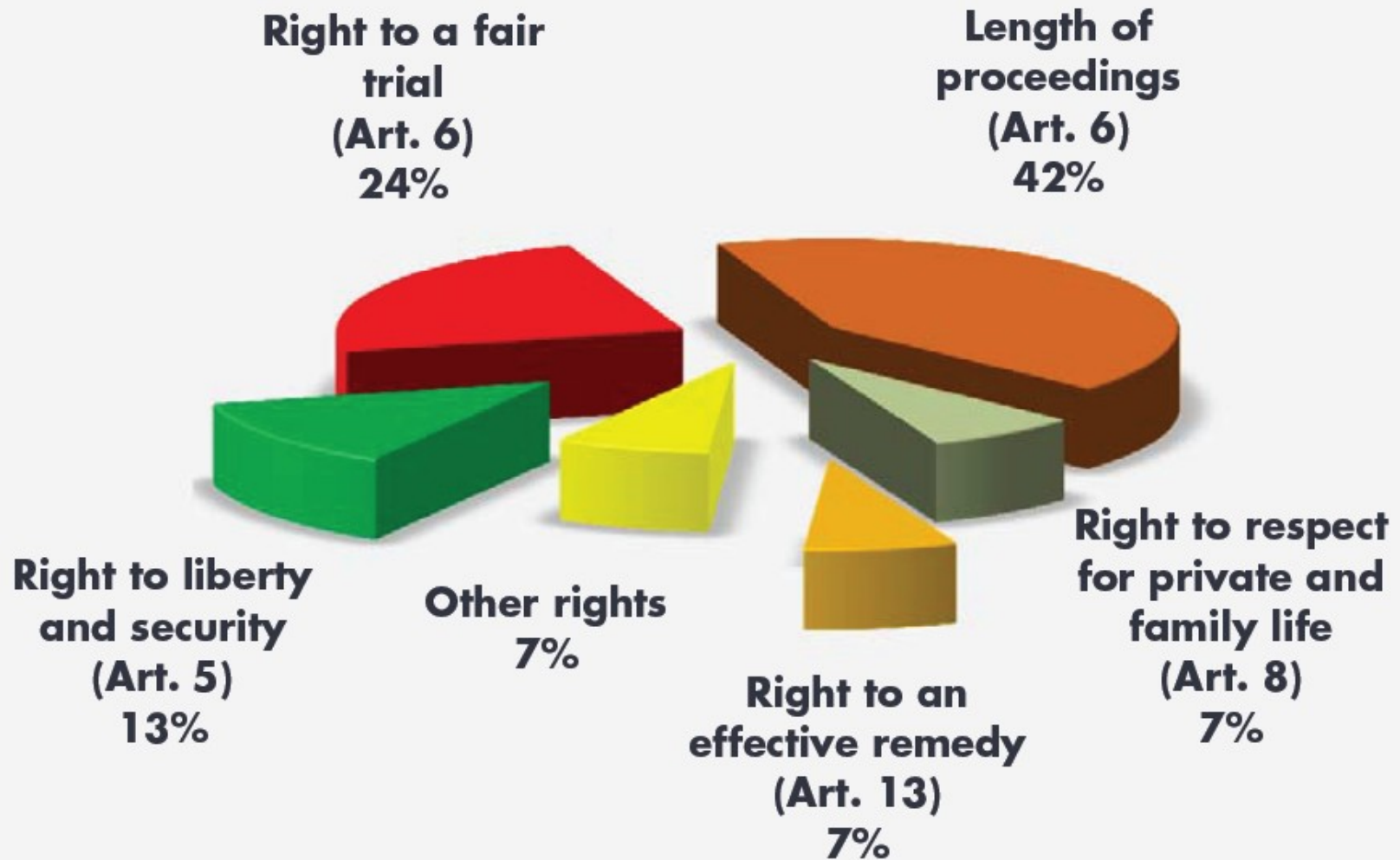
Judgments delivered by the Court





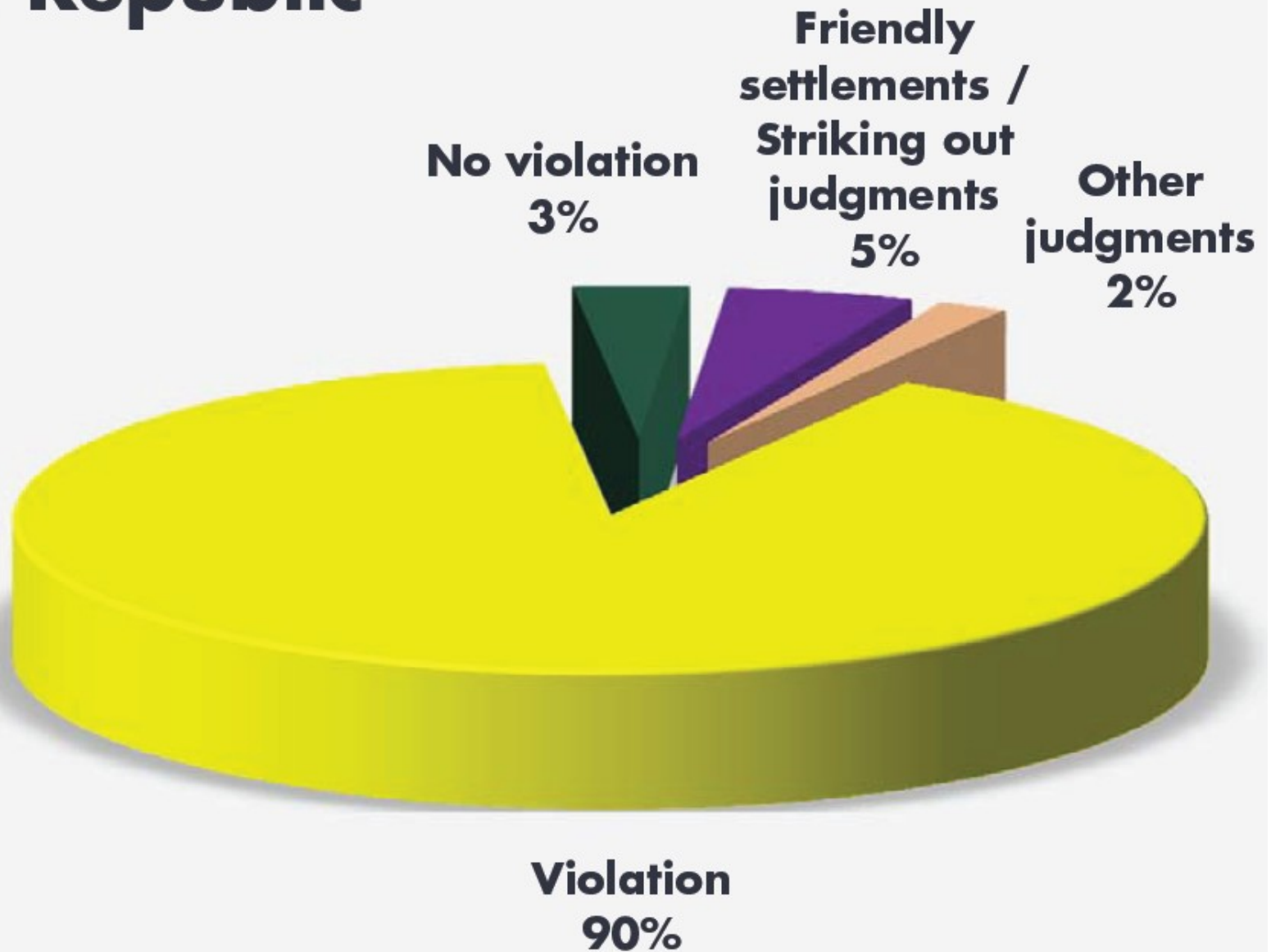
Subject-matter of the Court's violation judgments

Czech Republic



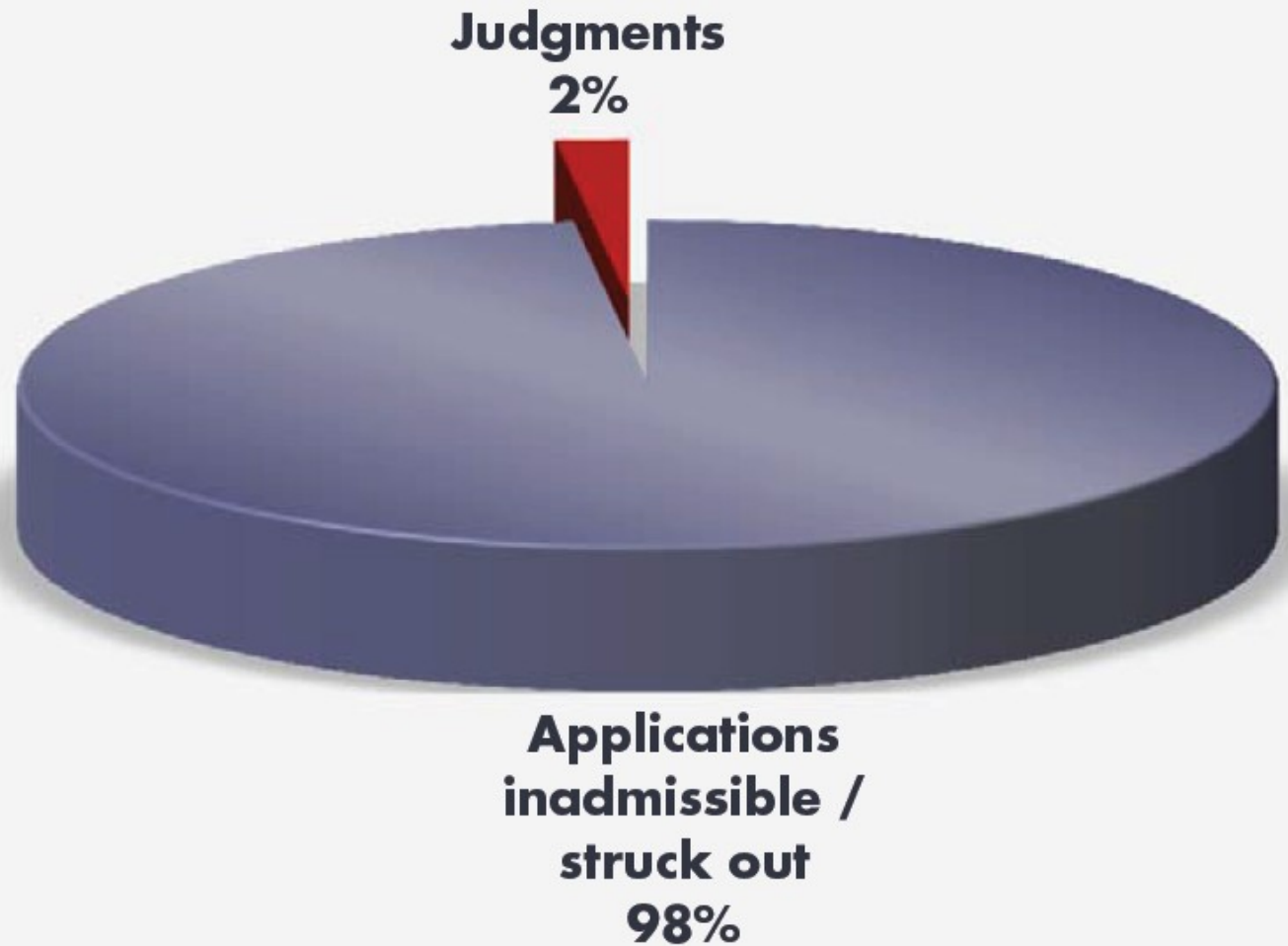
Type of judgment

Czech Republic

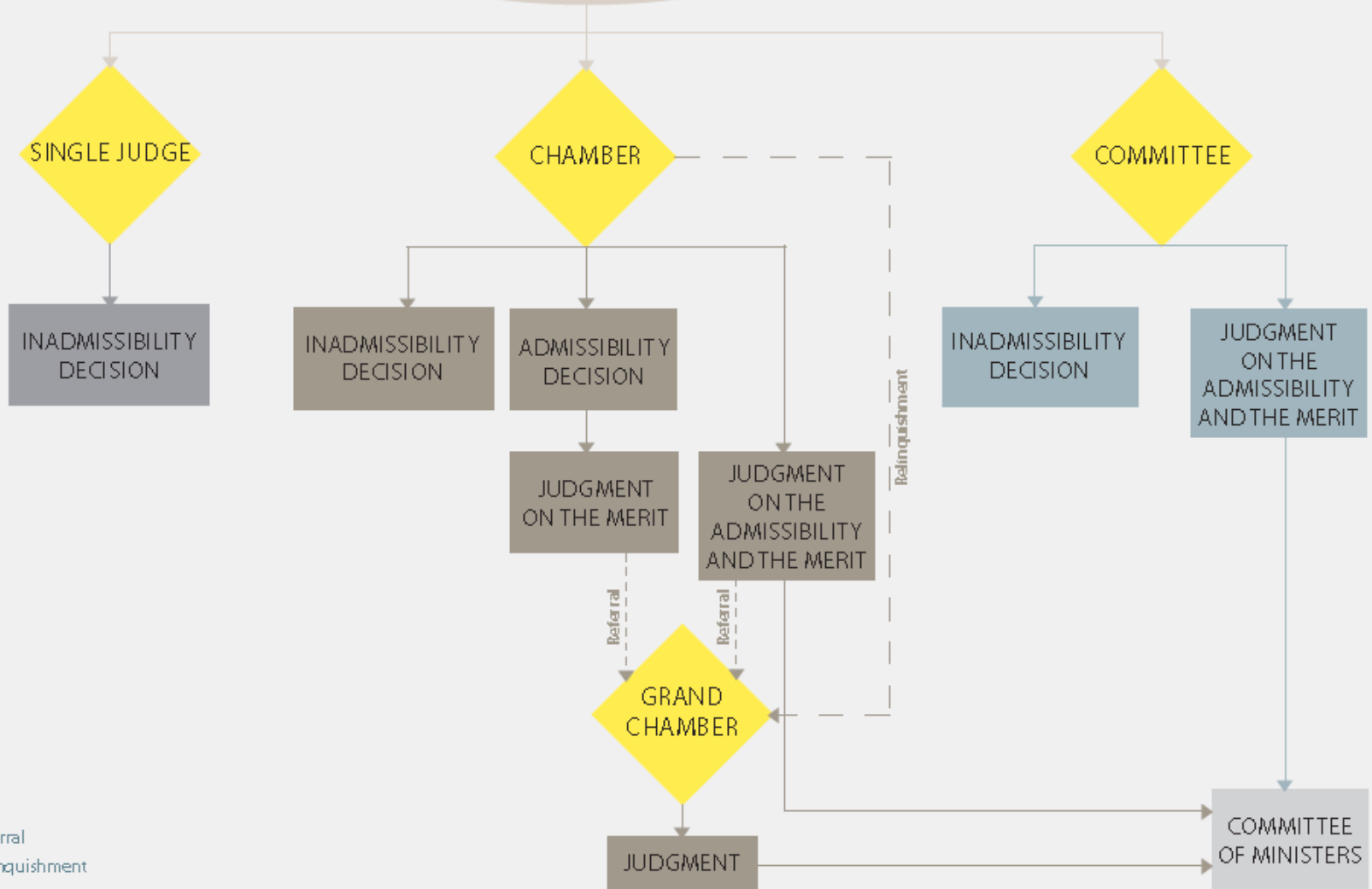


Judgments and decisions

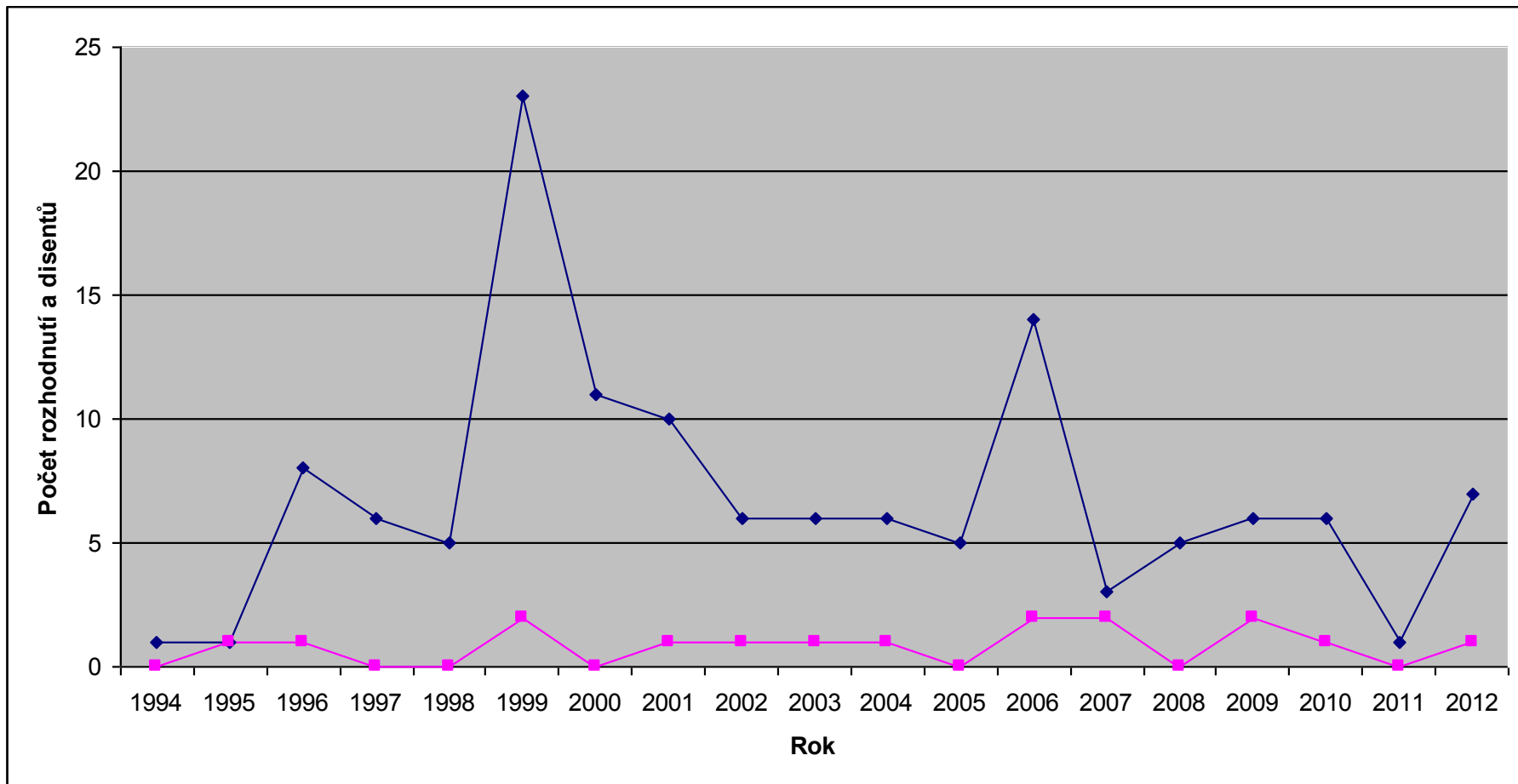
Czech Republic



INDIVIDUAL APPLICATIONS



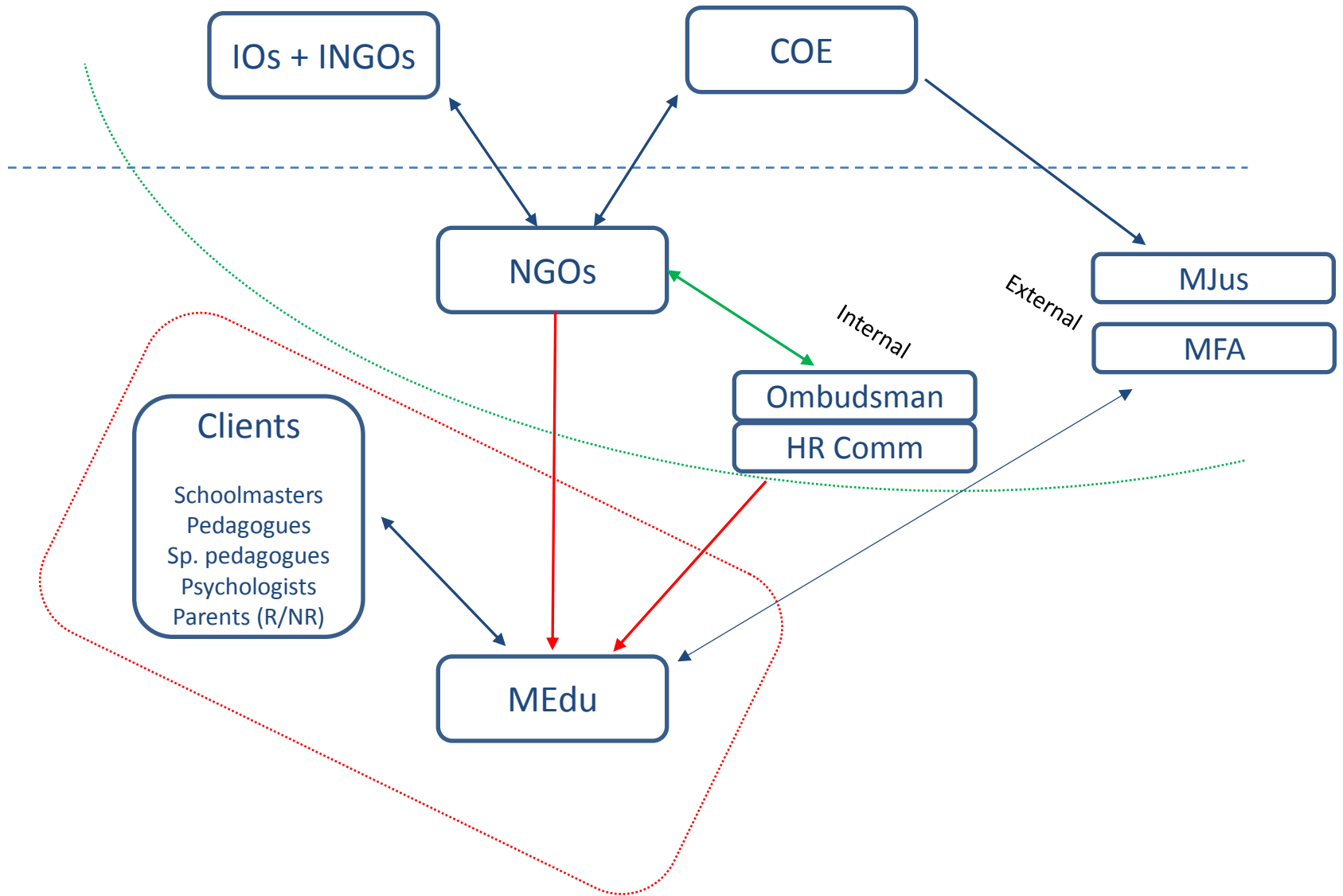
Počet rozsudků a počet disentů VS ESLP, jichž se Karel Jungwiert účastnil



D.H. and others v Czech Republic



Ostrava



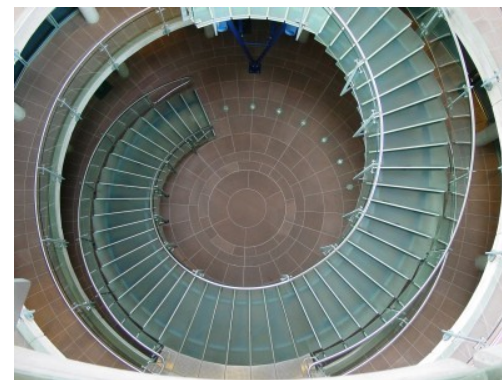
$$SQ \text{ (MEdU + Clients)} > \text{Change (Internal + External)}$$

Na čem záleží?

- Mezinárodní kontext
- Národní kontext
- Profesionální zájmy
- Osobnosti
- Rozsudek

K zamyšlení

- Individuální spravedlnost nebo ústavní?
- Ochrana základních práv nebo „progresivní interpretace“? (problém rozšíření po konci studené války)
- „Margin of appreciation“
- Legitimita
 - Delegace (vs centrální banky)
 - Odtrženost od domácí situace
 - Odtrženost od politického systému
 - Neodpovědnost
 - Lidskoprávní orgán (LP experti)



Zdroje (výběr v ČJ)

