

## Boundaries and restrictions of “The right to life” according to the European Court of Human Rights (Article 2 of ECHR) jurisprudence

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### Abstract

The first substantial right of the European Convention on Human Rights (henceforth referred to as the Convention) is the right to life, set out in Article 2. This right was the first one to be attached to this Convention, because human life is more important than any other right. If one is deprived of the right to life in an arbitrary manner, all other rights are illusionary. Being a fundamental right, it is protected by a number of national and international <sup>1</sup> instruments and the most important one, which has made it most relevant in the aspect of legislative theory, but also as part of the application of the right to life, is the Convention. Based on the European Court of Human Rights’ (henceforth referred to as the Court) caselaw, we manage to determine the boundaries and the restrictions of the right to life. This paper includes findings which relate to the concept of the right to life, the protection and guarantees that the Convention offers, Article 2 of the Convention in particular, and the criteria for the restrictions applying on the right to life. The active obligation of the state bears a special importance in this matter, along with the definition of the boundaries and restrictions of the right to life and the boundaries and restrictions applying to the obligations of the Adhering States to guarantee the protection of life and their responsibility in those cases recognized by the Convention when this right is restricted.

**Keywords:** European Convention on Human Rights, “The right to life”, Court of Human Rights, strengthening of the right, the boundaries and the restrictions of the right to life.

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