

Index of terms and key cases

Application

- duty not to hinder effective exercise of right to (Art. 34 (2) ECHR) 191ff, 244
- inter-State (Art. 33 ECHR) 381ff

Assembly, freedom of (Art. 10 ECHR) 239

Association, freedom of (Art. 10 ECHR) 293

Attorney-client privilege *see* confidentiality

Azerbaijan

- *Aliyev v* 242, 248ff, 451
- *Bagirov v* 166, 179, 198, 468
- *Hajibeyli and Aliyev v* 218, 281, 303ff

Bar associations

- Court's case law on 286ff
- definition 64
- independence 299ff
- self-regulation *see* independence
- standing under Art. 34 ECHR 294ff
- state responsibility for 122ff, 289ff

Belgium

- *van der Mussel v* 289ff

Chilling effect 160ff, 196, 220, 244ff, 314, 335ff

Confidentiality 96ff, 461ff

- detained clients 93ff, 102ff
- search and seizure 110ff
- wiretaps 107ff

Convention on the Profession of Lawyer, European (draft) 47

Council of Bars and Law Societies of Europe 43ff, 125, 178, 295, 330

- CCBE Code of Conduct 148ff

Critical statements by lawyers concerning

- experts 163ff
- judges 161ff
- prosecutors 158ff

Croatia

- *Bljakaj and others v* 188ff, 458
- *Dvorski v [GC]* 74ff
- *Mesić v* 204, 343ff, 433, 473

Cyprus

- *Kyprianou v [GC]* 161ff, 224

Defend human rights, right to 36ff, 488ff

Democracy

- right to free elections (Art. 3 Protocol 1) 247, 372
- state's duty to maintain 372ff

Disbarment

- protection against 207ff, 467ff

Disciplinary rules 275ff

- application of Art. 6 ECHR 282ff

Duties

- directed 357ff
- rights-based 357ff
- undirected 357ff, 453ff

Estonia

- *Martin v* 77ff, 95

EU law

- Anti-Money-Laundering 115ff
 - Reaction to Polish rule-of-law crisis 371
- Expression, freedom of (Art. 10 ECHR)
- in parliament 432ff
 - lawyers exercising representative functions 154ff
 - lawyers in court proceedings 158ff, 465ff
 - lawyers outside the courtroom 170ff, 470
- Finland
- *Nikula v* 61, 158ff, 220, 227ff, 252, 261ff, 329, 449, 466, 474ff

France

- *Michaud v* 115ff, 300
- *Morice v [GC]* 172ff, 330
- *Ottan v* 176ff, 215
- *Tuheia v (dec)* 280, 297ff
- *Ursulet v (dec)* 61, 456

Gatekeeper legislation 115ff

General Agreement on Trade in Services 46

German Democratic Republic 198, 268, 458

Germany

- *Niemietz v* 111, 417ff

Independent and impartial tribunal established by law (Art. 6 § 1 ECHR)

- part-time judges 270
- Polish rule-of-law crisis 369, 382

Individual

- status in international law 384ff

Interests

- conflict of 78, 82ff, 424
- definition 65
- interest theories of rights 402ff

International Bar Association 40ff

Journalists *see* media

- as human-rights bearers 420ff

Lawyers

- 'special status' 227ff

Legal aid 122ff

Index of terms and key cases

- Legal assistance of one's own choosing, right to defend oneself through (Art. 6 § 3 (c) ECHR) 71ff
- Legal profession 257ff, 459
 - access to 202
 - economic basis for 271ff
 - independence of 126ff, 218, 257, 459
 - self-regulation of 299ff
- Legal professional privilege *see* confidentiality
- Legal services
 - reservation of 261ff
- Lithuania
 - *Jankauskas v (No 2)* 259ff, 287ff, 299ff
- Maintaining the authority and impartiality of the judiciary (Art. 10 § 2 ECHR) 161, 174, 205, 380, 474
- Malta
 - *Feilazoo v* 139ff, 195ff
- Media
 - as human-rights bearers 420ff
 - independence 317ff, 328
 - obligation to protect 318ff
 - public service broadcasting 427ff
 - role in Convention system 310ff
- Moldova
 - *NIT SRL v [GC]* 315ff
- Monopoly *see* Legal services, reservation of
- Netherlands, the
 - *M v* 91ff
- Officers of the court 227ff, 329ff, 433ff
- Parliament
 - freedom of expression in 432ff
- Personal standing, reservations based on 267ff
- Pluralism 315ff, 322, 375ff
- Poland
 - legal aid cases 124ff
 - rule-of-law crisis 369, 382
- Portugal
 - *Correia de Matos v [GC]* 84ff
- Professional negligence 149ff
- Professional secrecy *see* confidentiality
- Property, right to (Art. 1 Protocol 1) 203ff, 410
- Proportionality 436ff, 494ff
- Qualification, minimum 264ff
- Quality, minimum 133ff, 195ff, 472
- Recommendation R(2000)21 on the freedom of exercise of the profession of lawyer 38, 159, 218, 256, 276
- Reporting requirements *see* gatekeeper legislation
- Reputation, protection of professional 203ff
- Role-bearers, human rights of 418ff
- Romania
 - *Buzescu v* 143, 203, 264, 291
 - *Cazan v* 183ff, 328, 466
 - Romanian Union of Lawyers 291, 305
- Rule of law
 - Polish crisis 369, 382
 - State's obligation to protect 375ff
- Russia
 - *Kruglov and others v* 59ff, 113, 191, 240ff, 254, 263
 - *Reznik v* 208ff, 236
- Scope of Convention rights
 - *ratione materiae* 431ff
 - *ratione personae* 426ff
- Slovenia
 - *Čeferin v* 164ff, 327
- Spain
 - *Casado Coca v* 231ff, 273, 290
- Switzerland
 - *Schöpfer v* 171ff, 216ff, 236, 449
 - *Verein KlimaSeniorinnen and others v [GC]* 378ff, 492ff
- Theories of human rights 393ff
 - individualistic 394, 399ff
 - interest 402ff
 - relationship between moral and legal 395ff
 - role-bearer 418ff
 - systemic 394, 410ff
- Titles, professional 266
- Turkey
 - *Elçi and others v* 111, 226, 240ff, 339, 423, 469ff
- Ukraine
 - *Golovan v* 100, 254
- UN
 - Basic Principles on the Role of Lawyers 34ff, 117, 159ff, 178, 188, 210, 256, 276
 - Special Rapporteur on the Independence of Judges and Lawyers 36, 251
- Union Internationale des Avocats 41ff, 254
- United Kingdom
 - *A and others v [GC]* 89ff
 - *Golder v [Plenary]* 88ff
 - *Handyside v [Plenary]* 173, 310ff, 416
 - *Ireland v [Plenary]* 365, 381
- Watchdog
 - media as 318ff, 377
 - lawyers as 178, 208ff, 468ff