

## FOREWORD

# THE 70TH ANNIVERSARY OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS: CENTRAL EUROPEAN PERSPECTIVES ON JURISPRUDENCE AND CHALLENGES



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The year of 2023 marked the 70th anniversary of the entry into force of the European Convention on Human Rights (ECHR). For this reason, the Central European Academy and the Ferenc Mádl Institute of Comparative Law co-hosted an academic conference in Budapest on 15–16 June 2023 entitled ‘The ECHR at 70: The Central European Narrative’ where both renowned scholars and legal practitioners of the region (i.e. the Czech Republic, Croatia, Hungary, Poland, Romania, Serbia, the Slovak Republic and Slovenia) discussed what are those special features of the case law of the European Court of Human Rights (ECtHR) that can be identified as characteristic issues of the Central European countries. This volume is the written manifestation of the oral presentations delivered at this conference.

The significance of the ECHR and the ECtHR, the crown jewel of the whole system of the Council of Europe, cannot be overemphasized. The ECHR entered into force on 3 September 1953, and since then, the ‘Old Continent’ has gone through countless changes and faced scores of challenges: the dissolution of the Soviet Union and the end of the Socialist era in the Central and Eastern European states, the concerning presence of terrorism in modern societies, overwhelming migration flows aiming Europe, the outbreak of the COVID-19 pandemic, the full extension of the Russian-Ukrainian war, developing environmental problems, the conquest of

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the internet and artificial intelligence, current challenges of civil and criminal court proceedings, etc. No wonder, in the era of ever changing and evolving societies, one might easily raise the question: how can a 70-year-old treaty provide effective protection for human rights in the 21st century and how can it still work as a living instrument? In the same vein as the conference, this book seeks to demonstrate the indisputable reactivity and modernity of the Convention highlighting the ECtHR's interpretation techniques while focusing on the Central European region.

The essays in the volume not only analyse the content and jurisprudence of the Convention, but also shed light on how human rights are implemented in the specific historical, social and legal context of these countries. Organised into thematic units, the studies guide the reader through seven parts on the key issues of the Convention. The first section discusses the delicate balance between national sovereignty and judicial practice. The second section focuses on trafficking and modern-day slavery. The authors then discuss the interpretation of personal liberty, due process and the right to privacy and family life, with particular reference to Central European practice.

The volume also addresses the issues of freedom of expression, freedom of religion and the right of assembly, before devoting a separate section to the domestic possibilities for the enforcement of human rights, including constitutional complaints, minority rights and gender equality. The final chapter examines the challenging aspects of the right to property as well as the difficulties of migration, with a particular focus on the former socialist countries.

The authors of this volume have mapped the practice of the European Court of Human Rights with impressive thoroughness: the analyses are based on more than one hundred and fifty specific cases, each of which provides a window on the complex world of enforcement and interpretation. The diversity of the cases, with their matching human fates, dilemmas and Central European specificities, not only illuminates the nuances of the Court's role, but also highlights how the principles of the Convention are shaped to fit the realities of the Member States. This wealth of case law is one of the volume's greatest assets: it is at once a resource, a mirror and a discussion starter for the legal community in the region.

The contributors to this volume – distinguished scholars, practitioners and judges – represent several countries from the Central European region, which allows for a presentation of a diverse yet common historical and institutional experience. The studies offer a deeper understanding of the evolution of ECHR practice, the challenges facing the region and how international human rights protection can become an effective instrument in each Member State.

The Editors of this book would hereby like to grab the opportunity to say thank you to the management of the Central European Academy as well as of the Ferenc Mádl Institute of Comparative Law for supporting the idea of this conference and this volume, and for considering the perspectives of Central European scholars to worth an outspoken publishing. The Editors also owe sincere gratitude to all of the excellent colleagues who participated in this project and contributed to the publication of this book.