8. Article 5: The right to liberty and security of the person

This chapter discusses Article 5 of the European Convention on Human Rights, which protects the ‘right to liberty and security of person’. The notion of ‘liberty’ here covers the physical liberty of the person, which the Court views alongside Articles 2, 3, and 4 as ‘in the first rank of the fundamental rights that protect the physical security of an individual’. All kinds of detention by the state are controlled by Article 5, including detention in the criminal process, detention of the mentally disabled and detention prior to extradition or deportation.