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2.1.4 A firm distinction between positive and negative obligations
2.1.5 The perspective of human rights protection: the rule or the exception - the contextual or the ad hoc response?; 2.2 The wider and common justification of the state's obligations: the critical element of knowledge of the need of human rights; 2.2.1 The element of knowledge in negative obligations cases; 2.2.1.1 Express knowledge from direct interference with known results; 2.2.1.2 Implied knowledge from incidental interference with known or predictable results
2.2.1.3 Express or implied knowledge by context and comparative examples
2.2.1.4 Express knowledge from express complaints; 2.2.1.5 Express knowledge from previous decisions of non-justifiability of the interference; 2.2.2 The element of knowledge in positive obligations cases; 2.2.2.1 Implied knowledge from a known context of private parties' interactions; 2.2.2.2 Implied knowledge from previous incidents or comparative examples; 2.2.2.3 Express knowledge of an identifiable threat; 2.2.2.4 Express knowledge from express complaints; 2.2.3 The autonomy of the element of knowledge
2.3 The content of positive obligations under paragraph 1 of the Convention rights

Sommario/riassunto

The system of the European Convention of Human Rights imposes positive obligations on the state to guarantee human rights in circumstances where state agents do not directly interfere. In addition to the traditional/liberal negative obligation of non-interference, the state must actively protect the human rights of individuals residing within its jurisdiction. The liability of the state in terms of positive obligations induces a freestanding imperative of human rights that changes fundamentally the perception of the role of the state and the participatory ability of the individual, who can
