

### **Abstract for the general public:**

**Objective:** In its literal resonance the provision article 17 ECHR prohibits such interpretation of any of its terms as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth herein or at their limitation to a greater extent than is provided for in the Convention. The justification of such regulation has been a prevention against usage Convention, mainly by the organizations of totalitarian character for the protection of activity which is contrary to its text and spirit. The objective of such project is the establishment of the boundaries of the implementation of the prohibition of abuse of rights to comply with other mechanisms of Strasbourg system, which enables the systemic approach towards its implementation. Within the framework of the proposed analysis, the author will take into account the most accurate directions of the reform from the perspective of amplifying the human rights protection standards with simultaneous respect towards sovereignty of the States involved.

**The scope of research:** To justify the significance of such problematics, it shall be indicated that practical implementation of analyzed provision has caused numerous ambiguities. Such situation has occurred mainly due to double forms of the application of article 17 ECHR (direct and indirect) as well as lack of precise criteria allowing for distinction between implementation of the prohibition of abuse of rights and the substantial provisions of the Convention. Moreover it leads to difficulties with establishing the mutual relation between the article 17 ECHR and traditional Strasbourg limitation clauses (especially articles 10(2) and 11(2) ECHR) through the prism of definition the acceptable scope of their limitation by the States authorities and the broadness of their margin of appreciation. Such situation results in the state of uncertainty for all the addressees of the article 17 ECHR: States, individuals and the groups. Another allegation towards practical application of the article 17 ECHR has been the existence of the two-tiered standard as the overwhelming majority of the cases regarding article 17 ECHR touches upon the issue of the Holocaust denial. Such situation undoubtedly causes the weakening of the effectiveness of Strasbourg mechanisms of human rights protection. In the light of presented observations - there is necessity of evaluation of the impact of the prohibition of abuse of rights clause on the legal situation of each its addressees: individuals, groups and the States through the prism of the Strasbourg standard of the rule of law and in contact with other mechanisms of the Strasbourg system.

**The significance of the research:** The significance of the undertaken research mainly arises from the fact that it can lead to the amplifying the effectiveness of the Strasbourg system of human rights protection, in particular in the light of the challenges of contemporary world. This analysis may also become a contribution for the further reforms of the Strasbourg system to define an accurate relation between the effective protection of the human rights and freedoms and respect for cultural diversity of the concrete States. An appropriate perception of the role of article 17 ECHR within the Strasbourg legal system will enable to define the assumptions of the common model of European democracy and its derivative - rule of law principle.