Human Rights Law in Europe - Konstantinos Drehtsiarou 2014-03-21 This book provides analysis and critique of the dual protection of human rights in Europe by assessing the developing legal relationship between the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECtHR). The book offers a comprehensive consideration of the institutional framework, adjudicatory approaches, and the protection of material rights within the law of the European Union and the European Convention on Human Rights (ECHR). It particularly explores the involvement and participation of stakeholders in the functioning of the EU and the ECtHR, and asks how well the new legal model of ‘the EU under the ECtHR’ compares to current EU law, the ECHR and general international law. Including contributions from leading scholars in the field, each chapter sets out specific case-studies that illustrate the tensions and synergies emergent from the EU-ECtHR relationship. In so doing, the book highlights the overlap and dialectic between Europe’s two primary international courts. The book will be of great interest to students and researchers of European Law and Human Rights.

European Human Rights Law - Mark W. Janis 2008 The third edition of European Human Rights Law: Text and Materials has been substantially expanded to provide a complete review of the wide range of rights the Convention protects, with new chapters on the right to life, property, discrimination, religious freedom, and education. The book introduces both the process and the substance of this increasingly important area of European law. A broad selection of extracts from essential cases and materials is accompanied by stimulating commentary that guides the reader through the legal rules and court system that have evolved in Strasbourg, how the court works, and how European human rights law is enforced both at the national and international level. European human rights law is also placed into a useful comparative framework alongside human rights cases decided by courts in the United States, Canada, and elsewhere. This third edition has been extensively updated to cover the major developments of recent years, including the reform of the European Court of Human Rights and the expansion of the system to central and eastern Europe.

Politics of International Human Rights Law Promotion in Western Europe - Koldo Casla 2019-06-19 This book offers a critical reinterpretation of Western European States’ programmatic support for International Human Rights Law (IHRIL) since the 1970s. It examines the systemic or structural constraints inherent to the international legal system and argues that order trumps justice in Western Europe’s promotion of international human rights norms. The book shows that IHRL evolved as a result of a tension between two forces: A European understanding of international society, based on order, the centrality of the State and a minimalist conception of human rights; and a civil society and UN-promoted, mostly Western, particularly European but broader conception of human rights, based on justice. As such, human rights norms emerge and develop when (some) states’ idea of order meets with advocates’ idea of justice. We are living a historical juncture of shifting tectonic plates with rising nationalism in the Global North, ever growing power in the Global South and a declining presence of Europe in global affairs. The conditions under which IHRL emerged have fundamentally changed and unpacking the factors beneath the international recognition of human rights has never been more pressing. This book will be of key interest to scholars, students and practitioners in human rights law, public international law, international relations, critical legal theory and in European politics.

Business and Human Rights in Europe - Angelica Bonfanti 2018-09-06 Transnational business activities are important drivers of growth for developing and the least developed countries. However, they can also negatively impact the enjoyment of human rights. In some cases, multinational enterprises (MNEs) have even been accused of grave human rights abuses in the territory of the states where their subsidiaries operate. Since the parent companies of many MNEs are incorporated under the law of European states, those countries’ domestic law and the European legal framework play a crucial role in establishing how their activities should be conducted – also throughout their supply chains – and which remedies will be available when corporate human rights violations occur. In recent years, the European Union, the Council of Europe and their Member States have been adopting policies and legislation to ensure respect for human rights by businesses and have developed a body of related case law. These legal instruments can be considered the European responses to the challenges posed at international-law level, and they constitute the focus of research of this book. Through its collected chapters – written by scholars and practitioners under the direction of the editor, Angelica Bonfanti – the book identifies the European solutions to the business and human rights international legal issues, provides an overall assessment of their effectiveness, and examines their potential evolution.

Human Rights Law and Evidence-Based Policy - Rosemary Byrne 2019-12-06 The EU Fundamental Rights Agency (FRA) was established to provide evidence-based policy advice to EU institutions and Member States. By blending social science research with traditional normative work, it aims to influence human rights policy processes through new ways of framing empirical realities. The contributors to this volume critically examine the experience of the Agency in its first decade, exploring FRA’s historical, political and legal foundations and its evolving record across major strands of EU fundamental rights. Central themes arising from these chapters include consideration of how the Agency manages the tension between a mandate to advise and the more traditional approach of human rights bodies to ‘monitor’, and how its research impacts the delicate equilibrium between these two contesting roles. FRA’s experience as the first ‘embedded’ human rights agency is also highlighted, suggesting a role for alternative and less oppositional orientations for human rights research. While authors observe the benefits of the technocratic approach to human rights research that is a hallmark of FRA’s evidence-based policy advice, they also note its constraints. FRA’s policy work requires a continued awareness of political realities in Brussels, Member States, and civil society. Consequently, the complex process of determining the Agency’s research agenda reflects the strategic priorities of key actors. This is an important factor in the Agency’s role in the EU human rights landscape. This pioneering position of the Agency should invite reflection on new forms of institutionalized human rights research for the future.

Human Rights and European Law - Mary Arden 2015 In light of recent criticism of the EU and Strasbourg, Mary Arden makes an invaluable contribution to the debate on transnational courts and human rights. Drawing on years of experience as a senior judge, she explains clearly how human rights law has evolved, and the difficult
balances that judges have to strike when interpreting it.

The European Human Rights Culture - A Paradox of Human Rights Protection in Europe? - Nina-Louisa Arold Lorenz 2013-11-25 The European Human Rights Culture - A Paradox of Human Rights Protection in Europe? analyses the political term "European Human Rights Culture", a term first introduced by EU Commission President Barroso. Located in the fields of comparative law and European law, this book analyses, through first-hand interviews with the European judiciary, the judicial perspective on the European human rights culture and sets this in context to the political dimension of the term. In addition, it looks at the structures and procedures of the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECHR), and explains the embedding of the Courts' legal cultures. It offers an in-depth analysis of the margin of appreciation doctrine at both the CJEU and ECHR, and shows its value for addressing human rights grievances.


Human Rights in the Council of Europe and the European Union - Steven Greer 2018-03-29 Confusion about the differences between the Council of Europe (the parent body of the European Court of Human Rights) and the European Union is commonplace amongst the general public. It even affects some lawyers, jurists, social scientists and students. This book will enable the reader to distinguish clearly between those human rights norms which originate in the Council of Europe and those which derive from the EU, vital for anyone interested in human rights in Europe and in the UK as it prepares to leave the EU. The main achievements of relevant institutions include securing minimum standards across the continent as they deal with increasing expansion, complexity, multidimensionality, and interpenetration of their human rights activities. The authors also identify the central challenges, particularly for the UK in the post-Brexit era, where the components of each system need to be carefully distinguished and disentangled.

Human Rights in Taxation in Europe and the World - Georg Kofler 2011

Human Rights in Europe - William B.T. Mock 2010 Human Rights in Europe is designed to help human rights lawyers and activists, as well as students and scholars of comparative and constitutional law, understand the European Union's Charter of Fundamental Rights and Freedoms. Drafted more than 50 years after the onset of European integration, the Charter is deeply influenced by the disparate legal practices of the member states, as well as by the 1948 Universal Declaration of Human Rights and the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms. Unlike the U.S. Bill of Rights, the Charter is a lengthy document, which seeks to provide European citizens with specific rights in areas as diverse as family law, labor law, administrative procedure, and the protection of personal data. Building upon an award-winning volume of European scholarship, this book brings together a dozen major Italian professors of constitutional law, political science, and economics, who have written chapters investigating each of the Charter's 54 articles with reference to national and international jurisprudence and political philosophy. Especially prepared for a U.S. audience, this volume is replete with references and sources that provide interested readers with access to some of the best European human rights scholarship available anywhere.

Human Rights in Europe - Oddný Mjöll Arnardóttir 2016-02-26 The protection of human rights in Europe is currently at a crossroads. There are competing processes which push and pull the centre of gravity of this protection between the ECHR system in Strasbourg, the EU system in Luxemburg and Brussels, and the national protection of human rights. This book brings together researchers from the fields of international human rights law, EU law and constitutional law to reflect on the tug-of-war over the positioning of the centre of gravity of human rights protection in Europe. It addresses both the position of the Convention system vis-à-vis the Contracting States, and its positioning with respect to fundamental rights protection in the European Union and the Americas, providing a basis for debating human rights values across the Atlantic.

The UK and European Human Rights - Katja S Ziegler 2015-10-22 The UK's engagement with the legal protection of human rights at a European level has been, at varying stages, pioneering, sceptical and antagonistic. The UK government, media and public opinion have all at times expressed concerns about the growing influence of European human rights law, particularly in the controversial contexts of prisoner voting and deportation of suspected terrorists as well as in the context of British military action abroad. British politicians and judges have also, however, played important roles in drafting, implementing and interpreting the European Convention on Human Rights. Its incorporation into domestic law in the Human Rights Act 1998 intensified the ongoing debate about the UK's international and regional human rights commitments. Furthermore, the increasing importance of the human rights protection in the human rights sphere has added another layer to the relationship and highlights the complex relationship(s) between the UK government, the Westminster Parliament and judges in the UK, Strasbourg and Luxembourg. The book analyses the topical and contentious issue of the relationship between the UK and the European systems for the protection of human rights (ECHR and EU) from doctrinal, contextual and comparative perspectives and explores factors that influence the relationship of the UK and European human rights.

The Reception of International Law in the European Court of Human Rights - Magdalena Forowicz 2010 The European Court of Human Rights increasingly refers to international law in its case law, but its interpretation of it is often problematic. This book examines whether the Court has been able to create a coherent approach to the evaluation of international law and, ultimately, whether it has been able to contribute to its development.

Europe of Rights: A Compendium on the European Convention of Human Rights - Javier García Roca 2012-03-20 This book is a systematic commentary on half a century of case law on the Convention system made by a group of legal experts from various universities and legal disciplines. It provides a guide of the rights protected under ECHR as well as a better understanding, open to supranational scenarios, of fundamental rights in the respective Constitutions. Our intention is not only to make available a mere case law commentary. This work indeed offers succinct information on the most consolidated lines of case law and this is probably where it is most useful. Nevertheless there is also academic reflection, which we believe is nowadays essential as Europe is becoming more than a continent: it is, above all, a civilisation, with a common language of rights, a developing ius commune.

Europe and the Americas - Erik André Andersen 2015-04-23 In Europe and the Americas: Transatlantic Approaches to Human Rights, leading scholars offers new insight into topical human rights in Europe and the Americas, providing a basis for debating human rights values across the Atlantic.

The European Court of Human Rights - Helmut P. Aust 2021-04-30 This insightful book considers how the European Court of Human Rights (ECHR) is faced with numerous challenges which emanate from authoritarian and populist tendencies arising across member states. It argues that it is now time to reassess how the ECHR responds to such challenges to the protection of human rights in the light of its historical origins.

Human Rights in Europe: no grounds for complacency - 2013-04-01 Political rhetoric on human rights in Europe is different from daily reality. Almost every politician is on record as favouring the protection of freedom and justice. Standards on human rights have been agreed at European and international level; many have been integrated into national law, but they are not consistently enforced. There is an implementation gap. It is this implementation gap that this book seeks to address. It is built on a compilation of separate "viewpoints" or articles which Thomas Hammarberg has written, and later updated, since beginning his mandate as Council of Europe Commissioner for Human Rights in April 2006. He has now visited almost all of the 47 member states of the Council of Europe. On each visit he has met victims of violations of human rights and their families, leading politicians, prosecutors, judges, ombudsmen, religious leaders, journalists and civil society representatives as well as inmates of prisons and other institutions, law enforcement personnel and others. The "viewpoints" written on the basis of these many visits summarise his reflections, conclusions and recommendations.
European Union. The first part of the book focuses on interactions in this triangle from an institutional and constitutional point of view and reflects on how the key actors are trying to define their relationship with one another in a constantly changing process. Having thus set the scene, the second part takes a critical look at the tools that have been developed at European level for navigating these complex relationships, in order to identify whether they are capable of responding effectively to the complexities of emerging realities in the triangular relationship between the EHCR, EU law and national law.

Human Rights in the Council of Europe and the European Union - Steven Greer 2018-03-31 Critically examines the human rights activities of the Council of Europe and EU at a time of uncertainty and change.

Human Rights Monitoring Mechanisms of the Council of Europe - Gauthier De Beco 2012 The book studies the human rights monitoring mechanisms of the Council of Europe. It provides an in-depth examination of six such mechanisms: the Commissioner for Human Rights, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (the CPT), the European Committee of Social Rights (the ECSR), the Advisory Committee on the Framework Convention for the Protection of National Minorities (the ACFC), the European Commission against Racism and Intolerance (ECRI) and the Committee of Experts of the European Charter for Regional or Minority Languages (the CERLM). The human rights monitoring mechanisms of the Council of Europe seek to establish a permanent dialogue with governments to encourage them to better implement human rights treaties. They function principally through the use of national reports, on which basis they make recommendations, and may also visit or question states directly. The book looks at each mechanism in turn, discussing their composition, functions and working methods, as well as their relationship with other actors. It includes both a general discussion of the role of European human rights monitoring mechanisms as well as a comparative analysis of these mechanisms. The book aims to provide a clear understanding of the underlying approach of European human rights monitoring mechanisms and the challenges faced by them in terms of effectiveness. It will be useful for practitioners and students alike, especially those following courses in human rights or related fields.

Research Handbook on EU Law and Human Rights - Sioinaidh Douglas-Scott 2017-07-21 The place of human rights in EU law has been a central issue in contemporary debates about the character of the European Union as a political organisation. This comprehensive and timely Handbook explores the principles underlying the development of fundamental rights norms and the way such norms operate in the case law of the Court of Justice. Leading scholars in the field discuss both the effect of rights on substantive areas of EU law and the role of EU institutions in protecting them.

Law, Democracy and the European Court of Human Rights - Rory O’Connell 2020-11-05 Explores how the European Court of Human Rights understands ‘democracy’ and might support more deliberative, participatory and inclusive practices.

Theory and Practice of the European Convention on Human Rights - Pieter Van Dijk 1990 Kluwer Law International is happy to announce the third edition of Van Dijk & Van Hout’s classic work: Theory & Practice of the European Convention on Human Rights. The developments which have taken place since the previous edition have been numerous & comprehensive, & the Convention has gained a central position in the legal systems of many European countries. Three Protocols have been added to the Convention; the number of Parties to the Convention has grown from twenty-two to no less than thirty-six; & the case-law concerning the Convention has increased significantly. Like its predecessors, this third edition offers a full description of the present procedural practice & case-law of both the European Commission & the European Court of Human Rights, & is an indispensable guide. Protocol No. 11 to the Convention, which will enter into force by the end of 1998, will drastically change the supervisory system under the Convention, establishing one Court. This new Court will also perform the present functions of the Commission & it is expected that it will be guided by the Commission’s procedures & working methods, & by its case-law concerning admissibility. This new edition will therefore remain relevant for the practice & case-law of the new Court for many years to come.

Human Rights Law in Europe-Kansttantsin Dzehtsiarou 2014-03-21 This book provides analysis and critique of the dual protection of human rights in Europe by assessing the developing legal relationship between the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECHR). The book offers a comprehensive consideration of the institutional framework, adjudicatory approaches, and the protection of material rights within the law of the European Union and the European Convention on Human Rights (ECHR). It particularly explores the involvement and participation of stakeholders in the functioning of the EU and the ECHR, and asks how well the new legal model of ‘the EU under the ECHR’ compares to current EU law, the ECHR and general international law. Including contributions from leading scholars in the field, each chapter sets out specific case-studies that illustrate the tensions and synergies emergent from the EU-ECHR relationship. In so doing, the book highlights the overlap and dialectic between Europe’s two primary international courts. The book will be of great interest to students and researchers of European Law and Human Rights.

The European Court of Human Rights - Angelika Nussberger 2020-07-23 The European Court of Human Rights, by Angelika Nussberger is the first title in a new series, The Elements of International Law. Providing a fresh, objective, and non-argumentative approach to the discipline of international law, this series is an accessible go-to source for practicing international lawyers, judges and arbitrators, government and military officers, scholars, teachers, and students. In this volume, Professor Nussberger explores the Court’s uniqueness as an international adjudicatory body in the light of its history, structure, and procedure, as well as its key doctrines and case law. This book also shows the role played by the Court in the development of modern international law and human rights law. Tracing the history of the Court from its political context in the 1940s to the present day, Nussberger engages with pressing questions about its origins and internal workings. What was the best model for such an international organization? How should it evolve within more and more diverse legal cultures? How does a case move among different decision-making bodies? These questions help frame the six parts of the book, whilst the final section reflects on the past successes and failures of the Court, shedding light on possible future directions.

The Evolving Psyche of Law in Europe - Magdalena Smieszek

The European Court of Human Rights between Law and Politics - Jonas Christofferson 2013-09-05 The European Court of Human Rights between Law and Politics provides a comprehensive analysis of the origins and development of one of the most striking supranational judicial institutions. The book brings together leading scholars and practitioners to cast new light on the substantial jurisprudence and ongoing political reform of the Court. The broad analysis based on historical, legal, and social science perspectives provides new insights into the institutional crisis of the Court and identifies the lessons that can be learned for the future of the European Convention on Human Rights and Fundamental Freedoms. The European Court of Human Rights is in many ways an unparalleled success. The Court embarked, during the 1970s, upon the development of a progressive and genuinely European jurisprudence. In the post-Cold War era, it is facing new challenges as rights solely in Western Europe to becoming increasingly involved in the transition to democracy and the rule of law in Eastern Europe. Now the protector of the human rights of some 800 million Europeans from 47 different countries, the European system is once again deeply challenged - this time by a massive case load and by the Member States' increased reluctance towards the Court. This book provides the way for a better understanding of the system and hence a better basis for choosing the direction of the next stage of development.


Contemporary Issues in Human Rights Law - Yumiko Nakanishi 2017-10-05 This book is published open access under a CC BY-NC-ND 4.0 license. This book analyzes issues in human rights law from a variety of perspectives by eminent European and Asian professors of constitutional law, international public law, and European Union law. As a result, their contributions collected here illustrate the phenomenon of cross-fertilization not only in Europe.
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The Development of International Law by the European Court of Human Rights-J. G. Merrills 1993 The rule of law.

The European Convention on Human Rights William A. Schabas 2015-09-24 The European Convention on Human Rights Commentary is the first complete article-by-article commentary on the ECHR and its Protocols in English. This book provides an entry point for every part of the Convention: the substance of the rights, the workings of the Court, and the enforcement of its judgments. A separate chapter is devoted to each distinct provision or article of the Convention as well as to Protocols 1, 4, 6, 7, 12, 13, and 16, which have not been incorporated in the Convention itself and remain applicable to present law. Each chapter contains: a short introduction placing the provision within the context of international human rights law more generally; a review of the provisions of the previous volume deals with the role of the Strasbourg Court in the domestic implementation of the issues and the legal issues, with references to the case law of the European Court of Human Rights and the European Commission on Human Rights; and a selective bibliography on the provision. Through a thorough review of the ECHR this commentary is both exhaustive and concise. It is an accessible resource that is ideal for lawyers, students, journalists, and others with an interest in the world’s most successful human rights regime.

Health and Human Rights in Europe Brigit Toebes 2012 The area of ‘health and human rights’ is a new and emerging field under international and European human rights law and health law. Taking a ‘health and human rights approach’ means using international, European, and national human rights law in relation to a wide range of health issues, including access to healthcare, health data protection, the quality of pharmaceutical drugs, as well as medical-ethical issues, such as abortion and euthanasia. Human rights law can play an important role in promoting and protecting health, both nationally and internationally. It gives a legal and moral dimension to existing health-related approaches, and, as such, it can enrich other health-related disciplines, including medical law, health law, bio-law, bio-ethics, public health, and social medicine. There is, however, still very little understanding of the various and multiple legal interfaces between ‘health’ and ‘human rights,’ and the implications of this approach for legal research and practice. To fill this gap, this book examines the legal contents and implications of this new area of the law. Its focus is on Europe, as the European context raises specific questions, not only from a legal and a political perspective, but also in terms of health issues and health outcomes. The book first discusses how European institutions (the Council of Europe and the EU) deal with health and human rights. It addresses a variety of themes and approaches that engage with health and human rights links, including patient rights, reproductive health, and issues surrounding death and dying. Lastly, it discusses the position of a number of vulnerable groups, in particular disabled persons, the elderly, and children. The book's contributors have engaged in a prolific dialogue about the issues involved, and this has resulted in a number of truly interconnected chapters that together give a solid overview of the legal perspectives. Health and Human Rights in Europe creates clarity for those who wish to undertake further study in this area. Further, it will guide practitioners through their health-related cases, while law and policy makers can learn more about the comparative legal dimensions of the health issues that are discussed in the book. *** “Inclusion of legal details about human rights, and extensive referencing, renders this book invaluable for law and policy makers. Public health practitioners will also find this an interesting and informative read with a solid legal foundation.” - Health and Human Rights: An International Journal, February 14, 2013, www.healthyworld.org

Fundamental Rights in Europe Federico Fabbrini 2014-02 The European architecture for the protection of fundamental rights combines the legal regimes of the states, the European Union, and the European Convention on Human Rights. The purpose of this book is to analyse the constitutional implications of this multilevel architecture and to examine the dynamics that spring from the interaction between different human rights standards in Europe. The book adopts a comparative approach, and through a comparison with the federal system of the United States, it advances an analytical model that systematically explains the dynamics at play in the European multilevel human rights architecture. It identifies two recurrent challenges in the interplay between different state and transnational human rights standards - a challenge of ineffectiveness, when transnational law operates as a ceiling of protection for a specific human right, and a challenge of inconsistency when transnational law operates as a floor - and considers the most recent transformations taking place in the European human rights
The book tests the model of challenges and transformations by examining in depth four case studies: the right to due process for suspected terrorists, the right to vote for non-citizens, the right to strike and the right to abortion. In light of these examples, the book then concludes by reassessing the main theories on the protection of fundamental rights in Europe and making the case for a new vision - a "neo-federal" theory - which is able to frame the dilemmas of identity, equality and supremacy behind the European multilevel architecture for the protection of human rights.

The Inter-State Application under the European Convention on Human Rights - Isabella Risini 2018-05-09
The comprehensive analysis about the Inter-State Application under the ECHR by Isabella Risini fills a gap in the literature. The study provides an informed proposal to strengthen the protection of human rights in Europe and the role of the Court.