

**Human Rights Law In Europe: The Influence, Overlaps And Contradictions Of The EU And The ECHR (Routledge Research In Human Rights Law)**

A critical discussion of EU and ECHR migration and refugee law, this book analyses the law on asylum and immigration of third country-nationals. It focuses on how the EU norms interact with ECHR human rights case law on migration, and the pitfalls of European human rights pluralism. First introduced in the United States, whistleblower laws have become increasingly popular around the world. This book illustrates the regional efforts undertaken by European organizations to promote whistleblower protection in Europe. To provide context, the first part of the book presents an overview of the international best practices for whistleblowing legislation and explores the status of whistleblower under international law. It also assesses the global hot topics regarding whistleblowing, from the cases of Edward Snowden and Julian Assange to the silencing of whistleblowers during the COVID-19 pandemic. The following parts focus on the European approach to whistleblower laws. It illustrates the influence of the Council of Europe in putting whistleblower protection on the European agenda and discusses the European Court of Human Rights' case law on whistleblowing under Article 10 of the European Convention on Human Rights. In the final part, the author analyzes the evolution of the European Union's approach to whistleblowing and the legal significance of the EU Whistleblower Directive adopted in 2019. In the respective parts, the author also examines the effectiveness of the international organizations' own internal rules on whistleblowing, from the United Nations and the World Bank Group to the Council of Europe and the European Union.

This book offers a critical reinterpretation of Western European States' programmatic support for International Human Rights Law (IHRL) 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.

Les éditions du Conseil de l'Europe ont rassemblé en un ouvrage de référence une explication didactique des deux textes principaux sur les droits de l'homme: la Convention européenne des Droits de l'Homme et la Charte sociale européenne. Ce livre explique les normes légales essentielles contenues dans la convention et dans la charte, et les moyens par lesquels ces normes ont évolué en réponse à une Europe en mutation. Par l'analyse de plus de 300 cas, cet ouvrage illustre des situations concrètes dans lesquelles ces droits ont été mis en cause et défendus. Ce livre s'adresse aux étudiants et aux juristes en droit international et Human Rights in European Criminal Law

The Impact of Crisis in Europe

Fundamental Rights in Europe

Asylum and the European Convention on Human Rights

Business and Human Rights in Europe

Human Rights in the Council of Europe and the European Union

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.

This title provides analysis of the EU's human rights commitments through legislation, case law, and policy documents. Key developments to the EU's engagement with human rights, both internally and externally, are examined and it covers the topics of non-discrimination and competition law, migration, trade policy, and development cooperation.

This edited collection investigates where the European Convention on Human Rights as a living instrument stands on migration and the rights of migrants. This book offers a comprehensive analysis of cases brought by migrants in different stages of migration, covering the right to flee, who is entitled to enter and remain in Europe, and what treatment is owed to them when they come within the jurisdiction of a Council of Europe member state. As such, the book evaluates the case law of the European Convention on Human Rights concerning different categories of migrants including asylum seekers, irregular migrants, those who have migrated through domestic lawful routes, and those who are currently second or third generation migrants in Europe. The broad perspective adopted by the book allows for a systematic analysis of how and to what extent the Convention protects non-refoulement, migrant children, family rights of migrants, status rights of migrants, economic and social rights of migrants, as well as cultural and religious rights of migrants.

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.

The Human Rights of Migrants in European Law

New Developments in European Legislation and Case Law after the Lisbon Treaty

Shifting Centres of Gravity in Human Rights Protection

Migration Law, Policy and Human Rights

Analysis, Cases, and Materials

The Reception of International Law in the European Court of Human Rights

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 its 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.

Originally published in 1973 and now completely updated and expanded, this text book provides a detailed introduction to European human rights law.

This book analyses the law and policy of migration in the European Union (EU) and its relationship to understandings of the EU as an international human rights actor.

This book critically appraises the European Convention on Human Rights as it faces some daunting challenges. It argues that the Convention's core functions have subtly changed, particularly since the ending of the Cold War, and that these are now to articulate an 'abstract constitutional model' for the entire continent, and to promote convergence in the operation of public institutions at every level of governance. The implications - from national compliance, to European international relations, including the adjudication of disputes by the European Court of Human Rights - are fully explored. As the first book-length socio-legal examination of the Convention's principal achievements and failures, this study not only blends legal and social science scholarship around the theme of constitutionalization, but also offers a coherent set of policy proposals which both address the current case-management crisis and suggest ways forward neglected by recent reforms.

Law and Policy

The European Convention on Human Rights

Europe and Asia

Human Rights and Europe

Research Handbook on EU Law and Human Rights

Achievements, Problems and Prospects

EU commitment to human rights policies has grown following the Lisbon Treaty. Taking stock of those developments, this book describes the framework, actors, policies, and strategies of human rights across the EU and how their impact is felt. Contributed to by scholars from across the EU, this provides an in-depth and holistic view of the issues.

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.

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. 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 never-ending 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 ECHR, EU law and national law. Chapter 10 of this book is freely available as a downloadable Open Access PDF under a Creative Commons Attribution-Non Commercial-No Derivatives 3.0 license. [https://s3-us-west-2.amazonaws.com/tandfbis/rt-files/docs/Open+Access+Chapters/9781138121249\\_ochapter10.pdf](https://s3-us-west-2.amazonaws.com/tandfbis/rt-files/docs/Open+Access+Chapters/9781138121249_ochapter10.pdf)

Nussberger traces the history of the European Court of Human Rights from its political context in the 1940s to the present day, answering pressing questions about its origins and workings. This first book in the Elements of International Law series, provides a fresh, objective, and non-argumentative approach to the European Court of Human Rights.

The European Court of Human Rights and its Discontents

Current Challenges in Historical Perspective

Analysis of Return Decision, Entry Ban, Detention, and Removal

Politics of International Human Rights Law Promotion in Western Europe

Text and Materials

Migration and the European Convention on Human Rights

**Human Rights Law in Europe**The Influence, Overlaps and Contradictions of the EU and the ECHR*Routledge*

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 (the EU and its member states and the Council of Europe), but also between Europe and Asia. Furthermore, it reveals the influence that national and foreign law, EU law and the European Convention on Human Rights, and European and Asian law exert over one another. The various chapters cover general fundamental rights and human rights issues in Europe and Asia as well as specific topics regarding the principles of nondiscrimination, women's rights, the right to freedom of speech in Japan, and China's Development Banks in Asia. Protection of human rights should be guaranteed in the international community, and research based on a comparative law approach is useful for the protection of human rights at a higher level. As the product of academic cooperation between ten professors of Japanese, Taiwanese, German, Italian, and Belgian nationalities, this work responds to such needs.

Political upheavals, economic reforms, social instability and civil war have all been factors contributing to changes in the mixed flows of migrants both to and within Europe. Many of those in need of international protection are forced to seek it in Europe and the new member states of the enlarged Council of Europe are now also experiencing the arrival of asylum seekers. This revised edition considers the substantial body of case law of the European Court of Human Rights which has examined the compatibility of the Convention with measures taken by states in relation to all aspects of the asylum process. It also observes the role of subsidiary protection offered by the Strasbourg organs in protecting those at risk of prohibited treatment. In addition, the study considers the increasingly relevant provisions of EU law developments in the field, as well as measures taken in the context of terrorist threats - both of which have had a significant impact on the practical circumstances and law on refugees and asylum seekers. --back cover.

Provides broad and deep insight in the core concepts and principles of the European Convention of Human Rights.

Human Rights Law and Evidence-Based Policy

An Emerging Consensus

Human Rights Monitoring Mechanisms of the Council of Europe

Human Rights Law in Europe

Turning Criticism Into Strength

Rethinking Relations between the ECHR, EU, and National Legal Orders

This is the third edition of Van Dijk and Van Hoof's classic work: "Theory and Practice of the European Convention. The developments which have taken place under the Convention since the second edition was published have been numerous and comprehensive, and 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; and the case-law concerning the Convention has increased significantly. Like its predecessors, this third edition offers a full description of the present procedural practice and case-law of both the European Commission and the European Court of Human Rights, and 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's procedures and working methods, and by its case-law concerning admissibility. This new edition will therefore remain relevant for the practice and case-law of the new Court for many years to come.

The book assesses the EU Returns Directive against international human rights norms and standards. Izabella Majcher explores protection gaps in the EU return policy and highlights how the provisions of the Directive should be implemented in line with member states' human rights obligations. Informed by this assessment, the book discusses draft amendments to the Directive, proposed by the European Commission in September 2018.

\* Thoroughly revised, updated, and expanded \* Covers the widening of the Strasbourg system to include the newly democratic states of Central and Eastern Europe This new edition of a popular text and materials book offers an in-depth comparative study of the European Convention on Human Rights, a system which has attained tremendous significance both in the domestic jurisdiction of European states (particularly in the UK) and is the standard by which otherregional human rights instruments are judged.

Russia and European Human-Rights Law critically examines Russia's experiences as part of the European human rights protection system since its admittance in 1998. The authors combine legal and constructivist international relations theory perspectives in this study of Russia's practice and rhetoric in the Council of Europe and before the European Court of Human Rights.

The Impact of the EU Fundamental Rights Agency

International Law Challenges

Convention européenne des droits de l'homme et Charte sociale européenne

Human Rights and Taxation in Europe and the World

State of democracy, human rights and the rule of law in Europe

The Influence, Overlaps and Contradictions of the EU and the ECHR

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 EC SR), 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 CECL). 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.

This volume deals with the domestic effects of judgments of the European Court of Human Rights as a challenge to the various levels of legal orders in Europe. The starting point is the divergent impact of the ECHR's jurisdiction within the Convention States. The volume seeks new methods of orientation at the various legal levels, given the fact that the Strasbourg case law is increasingly important for most areas of society. Topical tendencies in the case law of the Court are highlighted and discussed against the background of the principle of subsidiarity. The book includes a detailed analysis of the scope, reach, consequences and implementation of the Court's judgments and of the issue of concomitant damages. At the same time the volume deals with the role of domestic jurisdictions in implementing the ECHR's judgments. Distinguished Judges, legal academics and practitioners from various Council of Europe States are among the contributors to this volume, which succeeds in bringing divergent points of view into the discussion and in developing strategies for conflict resolution.

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.

Seminar paper from the year 2003 in the subject Politics - International Politics - Topic: Public International Law and Human Rights, grade: 8/10, University of Sarajevo (Centre for Interdisciplinary Postgraduate Studies), course: European Studies, language: English, abstract: The paper offers a review of a parallel development of two distinct but increasingly overlapping systems of the protection of human rights, the one under the auspices of the Council of Europe and its European Convention on Human Rights and the other integrated within the Community Law of the European Communities and later the European Union. The former established the individual citizen as the subject of international law, who may seek protection for alleged violations of his/her rights directly from the European Court of Human Rights in Strasbourg. This system operates relatively efficiently since it is based on the largely universally accepted political principles of democracy and human rights by all member states of the Council of Europe. In contrast, the Community Law system is concerned more with economic and social rights of the European Union citizens. Given a specific supra-national legal system of the European Union some of its norms may collide with the European Convention on Human Rights as well as with national constitutions of EU member states. Under the doctrine of "surrendered sovereignty" the European Court of Justice is authorized to issue direct orders to national courts when applying the Community Law. This is not the case with the European Court of Human Rights, which can act only on an individual case-to-case basis without giving preliminary judgements on national laws in general. Moreover, the two courts give different interpretations of certain provisions of the European Convention on Human Rights in the past and issued contradictory judgements. To avoid such problems, some have proposed an idea that, despite the fact that all EU member states have signed the European Convention on Human Rights, the European Union as an entity should do the same in order to ensure uniformity of legal interpretations and judicial practice, which again raises questions on the legal nature of the European Union.

Contemporary Issues in Human Rights Law

Law, Democracy and the European Court of Human Rights

The European Court of Human Rights

Judgments of the European Court of Human Rights - Effects and Implementation

Whistleblower Protection by the Council of Europe, the European Court of Human Rights and the European Union

European Human Rights Law

Explores how the European Court of Human Rights understands 'democracy' and might support more deliberative, participatory and inclusive practices.

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.

The European Court of Human Rights has long been part of the most advanced human rights regime in the world. However, the Court has increasingly drawn criticism, with questions raised about its legitimacy and backlog of cases. This book for the first time brings together the critics of the Court and its proponents to debate these issues. The result is a collection which reflects balanced perspectives on the Court's successes and challenges. Judges, academics and policymakers engage constructively with the Court's criticism, developing novel pathways and strategies for the Court to adopt to increase its legitimacy, to amend procedures to reduce the backlog of applications, to improve dialogue with national authorities and courts, and to ensure compliance by member States. The solutions presented seek to ensure the Court's relevance and impact into the future and to promote the effective protection of human rights across Europe. Containing a dynamic mix of high-profile contributors from across Council of Europe member States, this book will appeal to human rights professionals, European policymakers and politicians, law and politics academics and students as well as human rights NGOs.

This book deals with human rights in European criminal law after the Lisbon Treaty. Doubtless the Lisbon Treaty has constituted a milestone in the development of European criminal justice. Not only has the reform following the Treaty given binding force to the EU Charter of Fundamental Rights, but furthermore it has paved the way for unprecedented forms of supranational legislation. In this scenario, the enforcement of individual rights in criminal matters has become a core goal of EU legislation. Alongside these developments, new interactions between national and supranational jurisprudences have emerged, which have significantly contributed to a human rights-oriented approach to European criminal law. The book analyses the main developments of this complex phenomenon from an interdisciplinary perspective. Criminal and procedural law, constitutional law and comparative law must thus be combined to achieve a full understanding of these developments and of their impact on national law.

Hate Speech and Human Rights in Eastern Europe

The Rise of the Civilizational Argument

Russia and European Human-Rights Law

Europe and the Americas

Order versus Justice

General Principles of the European Convention on Human Rights

Critically examines the human rights activities of the Council of Europe and EU at a time of uncertainty and change.

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.

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 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 area or floor - and considers the most recent transformations taking place in the European human rights regime. 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 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.

Democratic security is an old idea, based on the argument that democracies rarely, if ever, go to war with each other. Democratic practices equally protect states from internal strife. Democratic security is a responsibility which all nations share. This second annual report on the state of democracy, human rights and the rule of law in Europe assesses the capacities of the member states to guard across the continent. It measures the extent to which the Council of Europe's 47 member states are able to make the five pillars of democratic security a reality, namely: an efficient and independent judiciary, freedom of expression, freedom of assembly and association, the functioning of democratic institutions, and inclusive society and democratic citizenship. The report also draws on the Court's case law on democracy, human rights and rule of law and to identify remedies for shortcomings and provide assistance in their implementation.

European Convention on Human Rights in the Context of the European Union Law

The European Union and Human Rights

The European Union Returns Directive and Its Compatibility with International Human Rights Law

droit et pratique

Achievements, Trends and Challenges

Hate Speech and Human Rights. Democracies need to understand these terms to properly adapt their legal frameworks. Regulation of hate speech exposes underlining and sometimes invisible societal values such as security and public order, equality and non-discrimination, human dignity, and other democratic vital interests. The spread of hatred and hate speech has intensified in many corners of the world over the last decade and its regulation presents a conundrum for many democracies. This book presents a three-prong theory describing three different but complementary models of hate speech regulation which allows stakeholders to better address this phenomenon. It examines international and national legal frameworks and related case law as well as pertinent scholarly literature review to highlight this development. After a period of an absence of free speech during communism, post-communist democracies have sought to build a framework for the exercise of free speech while protecting public goods such as liberty, equality and human dignity. The three-prong theory is applied to identify public goods and values underlining the regulation of hate speech in the Czech Republic and Slovakia, two countries that share a political, sociological, and legal history, as an example of the differing approaches to hate speech regulation in post-communist societies due to divergent social values, despite identical legal frameworks. This book will be of great interest to scholars of human rights law, lawyers, judges, government, NGOs, media and anyone who would like to understand values that underpin hate speech regulations which reflect values that society cherishes the most.

Transatlantic Approaches to Human Rights

Legislating for Divergent Values

Theory and Practice of the European Convention on Human Rights