Human Rights Law In Europe The Influence Overlaps And Contradictions Of The Eu And The Echr Routledge Research In Human Rights Law

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.

Papers from the Copenhagen Conference on the European Court of Human Rights, held at the University of Copenhagen on March 21-22, 2009.

A right to equality and non-discrimination is widely seen as fundamental in democratic legal systems. But failure to identify the human interest that equality aims to uphold reinforces the argument of those who attack it as morally empty or unsubstantiated and weakens its status as a fundamental human right. This book argues that an understanding of the human interest which equality aims to uphold is feasible within the jurisprudence of the European Court of Human Rights (ECtHR) and the European Court of Justice (ECJ). In comparing the evolution of the prohibition of discrimination in the case-law of both Courts, Charilaos Nikolaidis demonstrates that conceptual convergence within the European Convention on Human Rights (ECHR) and the EU on the issue of equality is not as far as it might appear initially. While the two bodies of equality law are extremely divergent as to the requirements they impose, their interpretation by the international judiciary might be properly analysed under a common light to emphasise the substantive dimension of equality in European Human Rights law. The book will be of great use and interest to scholars and students of human rights, discrimination law, and European politics.

Labour.

Human Rights and Taxation in Europe and the World

European Human Rights Law

From Its Inception to the Creation of a Permanent Court of Human Rights

A Study of the European Convention on Human Rights

Human Rights Law and Evidence-Based Policy

The European Court of Human Rights Between Law and Politics

"This report was commissioned and published by the Commissioner for Human Rights"--Title page verso.

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 Law in EuropeThe Influence, Overlaps and Contradictions of the EU and the ECHRRoutledge

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.

Theory and Practice of the European Convention on Human Rights

Analysis, Cases, and Materials

Building New Legal Orders

Migration Law, Policy and Human Rights

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

International Law Challenges

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.

A demonstration of how European Court of Human Rights judgments might better accommodate the concerns of minorities.

The rule of law.

The book applies an interdisciplinary analytical framework, based on social psychology theories of inclusion and exclusion, to a discussion of legal discourse and the development of legal frameworks in Europe concerning migrants, asylum seekers, refugees, and European citizens. It adopts a psycho-historical perspective to discuss the evolution of international and European law with regard to the rights of citizens and asylum-seeking non-citizens, from the law's inception following the Second World War up to present-day laws and policies. The book reveals the embracing of a European identity based on human rights as the common feature in European treaties and institutions, one that is focused on European citizens and has inclusionary objectives. However, a cognitive dissonance can also be found, as this common identity-making runs counter to national proclivities, as well as securitized, threat-perception-oriented perspectives that can produce exclusionary manifestations concerning persons seeking asylum. In particular, a view of inclusion and exclusion via legal categorizations of status, as well as distributions of social and economic rights, draws attention to the links between social psychology and international law. What emerges in the analysis: a process of creating value is present both at its psychological roots and the expressions of value in the law. Fundamentally speaking, the emergence of laws and policies that center on human beings and human dignity, when understood from a psychological and emotion-based perspective, has the potential to transcend the dissonances identified.

Human Rights Law in Europe

The Evolution of the European Convention on Human Rights

The Impact of the EU Fundamental Rights Agency

The European Convention on Human Rights

The Human Rights of Migrants in European Law

Business and Human Rights in Europe

This book provides an overview of the establishment, dispersion and effects of human rights in Europe during the Cold War. The struggle for human rights did not begin at the end of the Second World War. For centuries, political associations, religious societies and individuals had been fighting for political freedom, religious tolerance, freedom of expression, freedom of thought a in politics. However, the world was awakened by the atrocities of the Second World War and the idea that every person should have certain perpetual and inalienable rights was set out in The Universal Declaration of Human Rights (UDHR) from 1948, which contained an enumeration of international human rights standards. Adopting an interpretative framework which pulls toge values and principles of human rights, Human Rights in Europe during the Cold War demonstrates how conflicting interests collided when the exact meaning of human rights was established. It also discusses various approaches to the idea of imposing respect for human rights in countries where they were systematically violated and assesses the outcome of international accor particular the 1975 Helsinki Final Act. In conclusion, this volume proposes that human rights functioned as moral support to the opposition in repressive regimes and that this was subsequently used as a tool to further system changes. Based on new archival research, this book will be of much interest to students of Cold War studies, human rights, European history, internatio

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.

The European Court of Human Rights is one of the main players in interpreting international human rights law where issues of general international law arise. While developing its own jurisprudence for the protection of human rights in the European context, it remains embedded in the developments of general international law. However, because the Court does not always follo law closely and develops its own doctrines, which are, in turn, influential for national courts as well as other international courts and tribunals, a feedback loop of influence occurs. This book explores the interaction, including the problems arising in the context of human rights, between the European Convention on Human Rights and general international law. It contributes to ong fragmentation and convergence of international law from the perspective of international judges as well as academics. Some of the chapters suggest reconciling methods and convergence while others stress the danger of fragmentation. The focus is on specific topics which have posed special problems, namely sources, interpretation, jurisdiction, state responsibility and immun

On 4 November 2010 the European Convention on Human Rights Celebrated its sixtieth anniversary. It has undergone a spectacular evolution since its creation in 1950. In recent times the European Court of Human Rights has been compared to a quasi-constitutional court for Europe in the field of human rights, and for some time the Convention has been viewed as a Europea of age' of the ECHR system in the late 1990s was marked by the entry into force of Protocol 11, creating a new, full-time Court. By contrast, those who first proposed a European human rights guarantee were driven by an ambition to put a place in collective pact to prevent the re-emergence of totalitarianism in `free' Europe. They were motivated by the memory of World War Tw human rights was seen in that light. When the Convention was opened for signature in 1950 it was viewed by many with scepticism and disappointment. The Convention system took many years to get established. In the mid-1960s doubts were expressed as to whether the Court had a future, and in the 1970s the Convention system of control faced a number of serious challeng the story of the evolution of the Convention during its first fifty years (up to 1998), although there is also a final chapter on the post-1998 situation. It reflects on the Convention's origins and charts the slow progress that it made during the 1950s and 1960s, before, in the late 1970s, the European Court of Human Rights delivered a series of landmark judgments which proved to b the European Bill of Rights that we know today.

Contemporary Issues in Human Rights Law

Law, Democracy and the European Court of Human Rights

Human Rights in the Council of Europe and the European Union

Current Challenges in Historical Perspective

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

An Emerging Consensus

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.

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.

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 gave 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.

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 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.

The Psychology of Human Rights and Asylum Frameworks

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

Text and Materials

The Impact of Crisis in Europe

Homosexuality and the European Court of Human Rights

Europe and Asia

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 (ECtHR), 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 ECtHR, and shows its value for addressing human rights grievances.

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

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.

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 evolué 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 droits de l'homme, mais aussi à toutes les organisations, gouvernementales ou associatives, qui luttent pour la protection des droits de l'homme en Europe. Il présente aussi les parallèles possibles avec un certain nombre de structures aux Etats-Unis et dans le Commonwealth.

The European Court of Human Rights

The Evolving Psyche of Law in Europe

Human Rights and European Law

Human Rights in Europe during the Cold War

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

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 Research Handbook explores the principles underlying 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. Organised into three parts, their contributions examine the current state of the law as well as the direction of future developments in the field. The first part discusses the normative and doctrinal framework for the protection of human rights in the EU. The second part focuses on EU external relations and on the interaction between EU law and other sources of human rights rules such as the European Convention on Human Rights and international law. Finally, the third part considers the influence of human rights in areas where the EU takes action.Timely and astute, this Research Handbook will appeal to students and scholars of European law and human rights law. It will also prove a valuable and comprehensive resource for practitioners, policymakers, NGO and government officials.

Homosexuality and the European Court of Human Rights is the first book-length study of the Court's jurisprudence in respect of sexual orientation. It offers a socio-legal analysis of the substantial number of decisions and judgments of the Strasbourg organs on the wide range of complaints brought by gay men and lesbians under the European Convention on Human Rights. Providing a systematic analysis of Strasbourg case law since 1955 and examining decades of decisions that have hitherto remained obscure, the book considers the evolution of the Court's interpretation of the Convention and how this has fashioned lesbian and gay rights in Europe. Going beyond doctrinal analysis by employing a nuanced sociological consideration of Strasbourg jurisprudence, Paul Johnson shows how the Court is a site at which homosexuality is both socially constructed and regulated. He argues that although the Convention is conceived as a 'living instrument' to be interpreted 'in the light of present-day conditions' the Court's judgments have frequently forged and advanced new social conditions in respect of homosexuality. Johnson argues that the Court's jurisprudence has an extra-legal importance because it provides an authoritative and powerful discursive resource that can be mobilized by lesbians and gay men to challenge homophobic and heteronormative social relations in contemporary societies. As such, the book considers how the Court's interpretation of the Convention might be evolved in the future to better protect lesbian and gay rights and lives.

Explores the key principles underpinning the decisions made by the European Court of Human Rights, and provides a guide to the pivotal cases in each area.

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.

The European Human Rights Culture - A Paradox of Human Rights Protection in Europe?

The Development of International Law by the European Court of Human Rights

Diversity and European Human Rights

Human Rights of Roma and Travellers in Europe

Law and Policy

Rewriting Judgments of the ECHR

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, A 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.

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 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 ECtHR'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 mos 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 EC 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 (ECtHR). The book offers a comprehensive consideration of the institutional framework, adjudicatory approaches, and the protection of material rights within the law of th 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-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.

Achievements, Problems and Prospects

Research Handbook on EU Law and Human Rights

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

Human Rights Monitoring Mechanisms of the Council of Europe

droit et pratique

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

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

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.

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.

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

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

The Right to Equality in European Human Rights Law

Human Rights in Europe

Jacobs, White, and Ovey: the European Convention on Human Rights

The Quest for Substance in the Jurisprudence of the European Courts

Achievements, Trends and Challenges

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.

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.

Human Rights in European Criminal Law

General Principles of the European Convention on Human Rights

The European Union and Human Rights

The European Convention on Human Rights and General International Law