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The European Convention on Human Rights

FIFTH EDITION

Robin C.A. White & Clare Ovey



Jacobs White Ovey The European Convention On Human Rights

Gleider Hernández



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Jacobs, White and Ovey Robin C. A. White, 2010 The European Convention on Human Rights protects human rights in nearly 50 European countries If States fail to meet the standards required by the Convention victims of violations can complain to the Strasbourg Court of Human Rights This book examines both the substance and procedure under the Convention

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The European Convention on Human Rights Andreea Maria Roşu, 2015-11-21 Protecting human rights has a high cost but it is not a luxury Sir N Bratza former President of the European Court of Human Rights The present book aims at exploring if this statement of principle corresponds to the real approach of the European Court of Human Rights when examining complaints submitted by citizens affected by the austerity measures Does the European Convention on Human Rights provide for a minimum standard of protection of economic and social rights Which is the impact of the economic crisis upon the national margin of appreciation of states in the protection of economic and social rights Is this national margin of appreciation radically influenced by the recent European Union's policies Does the Strasbourg Court have a more strict approach towards a higher protection of the applicant when the hard core civil and political human rights are affected by the austerity measures The book focuses on the relevant recent case law of the Strasbourg Court in order to provide an answer to these questions

The Application of the European Convention on Human Rights to Military Operations Stuart Wallace, 2019-04-11 An analysis of how the European Convention on Human Rights applies to military operations

A Constitutionalist Approach to the European Convention on Human Rights Lisa Sonnleitner, 2022-04-21 This book presents a new constitutional argument for the legitimacy of evolutive interpretation of the ECHR It constructs a model in which evolutive and static constitutional principles are balanced with each other The author argues that there are three possible interpretive

approaches in time sensitive interpretations of the ECHR but that only one of them is justifiable by reference to the constitutional principles of the ECHR in every single case The ECHR s constitutional principles either require an evolutive or static interpretation or they do not establish a preference relation at all which leads to a margin of appreciation of the member states in the interpretation of the Convention The balancing model requires the determination of the weights of the competing evolutive and static constitutional principles For this purpose the author defines weighting factors for determining the importance of evolutive or static interpretation in a concrete case

Human Rights in the Council of Europe and the European Union Steven Greer, Janneke Gerards, Rose Slowe, 2018-03-29 Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms , The Right to Equality in European Human Rights Law Charilaos Nikolaidis, 2014-07-25 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

Legal Aspects of Planetary Defence Irmgard Marboe, 2021-09-27 Winner of the 2022 International Academy of Astronautics IAA Social Sciences Book Award Impacts by asteroids or comets on Earth may lead to natural disasters of catastrophic dimensions one of the most devastating having caused the extinction of the dinosaurs 66 million years ago Space agencies and other actors are increasingly dedicated to the development of technology to predict and mitigate such risks This book addresses legal and policy aspects of planetary defence activities aiming at the mitigation of Near Earth Objects NEO impact threats These include responsibility and liability for damage caused by such activities or their failure as well as international cooperation and possible decision making processes

When Humans Become Migrants Marie-Bénédicte Dembour, 2015 The issue of migration presents clear challenges to international human rights courts due to its political sensitivity This book contrasts the European and Inter American Courts of Human Rights showing how their rulings differ on this issue It argues that the Inter American Court s approach is more sympathetic to the individuals involved

The ^AOxford Handbook of Criminal Process Darryl K. Brown, Jenia Iontcheva Turner, Bettina Weisser, 2019-02-22 The criminal process begins with arrests or investigations and concludes with adjudication and appeal

Across more than 40 chapters this Handbook provides a comprehensive introduction to both common law and civil law approaches to the criminal process including history procedure investigation prosecution evidence adjudication and appeal

The Presumption of Innocence in International Human Rights and Criminal Law Michelle Coleman, 2021-03-03 This book provides a comprehensive analysis of the presumption of innocence from both a practical and theoretical point of view Throughout the book a framework for the presumption of innocence is developed The book approaches the right to presumption of innocence from an international human rights perspective using specific examples drawn from international criminal law The result is a framework for understanding the right that is grounded in human rights law This framework can then be applied across different national and international systems When applied it can help determine when the presumption of innocence is being infringed upon eroded violated and ensure that the presumption of innocence is protected The book is an essential resource for students academics and practitioners working in the areas of human rights criminal law international criminal law and evidence The themes also have a more general application to national jurisdictions and legal theory

Domestic Application of the ECHR Eirik Bjorge, 2015-10-22 Domestic courts are entrusted with the application of the European Convention on Human Rights ECHR as faithful trustees of the rights protected in the Convention This book analyses the way in which the domestic courts in the United Kingdom France and Germany apply the ECHR and how applying the Convention they define their relationship with the European Court of Human Rights Contrary to what others have contended the book argues that it is not true descriptively nor desirable normatively that the domestic courts approach the ECHR based upon friction and assertion of sovereignty vis vis the European Court The proper role played by the domestic courts and the one which they have taken on them to perform in fact is to apply the Convention in all good faith building on the principles of the Convention as set out in the jurisprudence of the European Court But if domestic courts are in a position to apply the ECHR in the first place it is because the application of the Convention has been entrusted to them by the other organs of the municipal state in certain cases municipal principles of the separation of powers have an important bearing on domestic interpretation and application of the Convention Domestic Application of the ECHR Courts as Faithful Trustees shows that through their faithful application of the ECHR domestic courts can and do make a positive contribution to the development of the law of the Convention

Exclusion from Protection as a Refugee Yao Li, 2017-09-11 In *Exclusion from Protection as a Refugee* Yao Li analyses Article 1F of the 1951 Refugee Convention She argues that the exclusion clause is a quasi punitive provision and must therefore be interpreted with due regard to International Criminal Law Having developed an interpretation approach to consider external legal notions Li provides a solution for all the relevant issues in the context of Article 1F based on a harmonizing interpretation The study therefore not only comprehensively examines the exclusion clause at the intersection of International Refugee Law and International Criminal Law but also contributes to anti fragmentation efforts in International Law

International Law Gleider Hernández, 2025 The Cambridge Handbook of

New Human Rights Andreas von Arnould, Kerstin von der Decken, Mart Susi, 2020-01-02 The book provides in depth insight to scholars practitioners and activists dealing with human rights their expansion and the emergence of new human rights Whereas legal theory tends to neglect the development of concrete individual rights monographs on new rights often deal with structural matters only in passing and the issue of new human rights has received only cursory attention in literature By bringing together a large number of emergent human rights analysed by renowned human rights experts from around the world and combining the analyses with theoretical approaches this book fills this lacuna The comprehensive and dialectic approach which enables insights from individual rights to overarching theory and vice versa will ensure knowledge growth for generalists and specialists alike The volume goes beyond a purely legal analysis by observing the contestation rhetorics the struggle for recognition of new human rights thus speaking to human rights professionals beyond the legal sphere

Hate Speech and Beyond: Targeting the Gulen Movement in Turkey Turkey Task Force, 2014-06-14 **Texts and**

Materials on International Human Rights Rhona K.M. Smith, 2019-11-05 Texts and Materials on International Human Rights offers a carefully tailored overview of the subject that covers sources and theories institutions and structures and substantive rights The fourth edition is fully updated to include all key developments in the law in particular issues around reform in the UN and the topical application of human rights around the world This collection of materials offers a comprehensive overview of the institutional structures relevant to international human rights law crucial to the understanding of how law works in this challenging area Designed to guide students through the fundamental texts for this subject the author's commentary contextualises each extract to explain its relevance while highlighted further reading makes links to cutting edge academic commentary to provide next steps for student research Offering a clear text design that distinguishes between materials and author commentary and including reflective questions throughout to aid understanding this book is ideal for students seeking to engage with the key issues in the study of international human rights

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