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EUROPEAN HUMAN RIGHTS LAW

TEXT AND MATERIALS

Second Edition

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European Human Rights Law Text And Materials

Hayk Kupelyants



European Human Rights Law Text And Materials:

European Human Rights Law Mark W. Janis, Richard S. Kay, Anthony Wilfred Bradley, 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

Human Rights Law in Europe Konstantinos Dzehtsiarou, Theodore Konstadinides, Tobias Lock, Noreen O'Meara, 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 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 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

International Human Rights Law Manisuli Ssenyonjo, 2016-04-22 This timely and valuable book explores the development of international human rights law over the last six decades The volume brings together leading experts to reflect on different aspects of human rights law not only considering and evaluating the developments so far but also identifying relevant problems and proposing relevant possible perspectives for the continued positive future development of human rights law The book is international in perspective both in scope and context and covers developments in the international protection of human rights since the adoption of the UDHR in 1948 The developments considered include the United Nations system of protecting human rights as well as regional human rights systems in Africa America and Europe It also considers some key themes relevant to human rights including globalisation protecting human rights in emergency situations and trade sanctions the development of human rights NGOs and many others The book will be an invaluable resource for students academics and policy makers working in the field of international human rights

Textbook on International Human Rights Rhona K. M. Smith, 2012 This is a broad introduction to international human rights law

The UK and European Human Rights Katja S Ziegler, Elizabeth Wicks, Loveday Hodson, 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 European Union in the human rights sphere has added another layer to the relationship and highlights the complex relationships 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

A People's History of the European Court of Human Rights Michael Goldhaber, 2007-04-10 The exceptionality of America's Supreme Court has long been conventional wisdom But the United States Supreme Court is no longer the only one changing the landscape of public rights and values Over the past thirty years the European Court of Human Rights has developed an ambitious American style body of law Unheralded by the mass press this obscure tribunal in Strasbourg France has become in many ways the Supreme Court of Europe Michael Goldhaber introduces American audiences to the judicial arm of the Council of Europe a group

distinct from the European Union and much larger whose mission is centered on interpreting the European Convention on Human Rights The Council routinely confronts nations over their most culturally sensitive hot button issues It has stared down France on the issue of Muslim immigration Ireland on abortion Greece on Greek Orthodoxy Turkey on Kurdish separatism Austria on Nazism and Britain on gay rights and corporal punishment And what is most extraordinary is that nations commonly comply In the battle for the world s conscience Goldhaber shows how the court in Strasbourg may be pulling ahead

Military Justice in the Modern Age Alison Duxbury,Matthew Groves,2016-08-04 Military justice systems across the world are in a state of transition These changes are due to a combination of both domestic and international legal pressures The domestic influences include constitutional principles bills of rights and the presence of increasingly strong oversight bodies such as parliamentary committees Military justice has also come under pressure from international law particularly when applied on operations The common theme in these many different influences is the growing role of external legal principles and institutions on military justice This book provides insights from both scholars and practitioners on reforms to military justice in individual countries including the UK Canada the Netherlands and Australia and in wider regions for example South Asia and Latin America It also analyses the impact of civilianisation the changing nature of operations and the decisions of domestic and international courts on efforts to reform military justice

Family Life and Family Interests Gerda A. Kleijkamp,2023-07-03 The purpose of this comparative study is three fold Firstly it offers an analysis of and a comparison between the application and interpretation of Article 8 often in conjunction with the anti discrimination principle of Article 14 of the European Convention of Human Rights and the application and interpretation of the Due Process and Equal Protection Clauses of the Fourteenth Amendment of the United States Constitution in particular with regard to family law Secondly it compares and analyses the answers to the specific questions regarding circumstances under which a legal parent child relationship may be established and by whom as described under Dutch Chapter 4 and Californian New York and Texas Law Chapter 5 And thirdly it compares and analyses the compliance with and influence of the European Convention as reflected in family law by the Dutch Supreme Court and the compliance with and influence of the U S Constitution as reflected in family law decisions and filiation law in particular by the courts in California New York and Texas

Transparency and Proportionality in the Schengen Information System and Border Control Co-Operation Stephen Kabera Karanja,2008 This volume offers an evaluation of the Schengen Information System and border control co operation from a transparency and proportionality perspective It also incorporates a legal descriptive analysis of the co operation in order to accommodate the changes and developments that occurred during the writing period The transparency and proportionality perspectives are developed from human rights and data protection criteria Transparency is understood as knowledge and accessibility to legal information as well as openness and accountability On the other hand proportionality is a requirement for guidance balance and justification as well as a need to avoid

excessiveness and arbitrariness in border control work The final findings reveal that the Schengen co operation suffers from a deficiency of transparency and proportionality Consequently measures are proposed to augment the deficiency Even as this study was reaching its conclusion fundamental legislative changes closely similar to some of the arguments and recommendations projected in this study took place The efficacy of these changes is yet to be discerned

Judiciaries in Comparative Perspective H. P. Lee, 2011-08-11 An independent and impartial judiciary is fundamental to the existence and operation of a liberal democracy Focussing on Australia Canada New Zealand South Africa the United Kingdom and the United States this comparative 2011 study explores four major issues affecting the judicial institution These issues relate to the appointment and discipline of judges judges and freedom of speech the performance of non judicial functions by judges and judicial bias and recusal and each is set within the context of the importance of maintaining public confidence in the judiciary The essays highlight important episodes or controversies affecting members of the judiciary to illustrate relevant principles

An Institutional Approach to the Responsibility to Protect Gentian Zyberi, Kevin T. Mason, 2013-06-27 This book presents an institutional perspective on realizing the responsibility to protect populations from genocide war crimes ethnic cleansing and crimes against humanity

International Human Rights Law Riccardo Pisillo Mazzeschi, 2021-09-29 This textbook provides a thorough and systematic overview of human rights law including the most relevant practice and case law but also dealing with theoretical issues It pursues an original approach seeking to reconcile its didactic purpose with a scientific one positing that there must be a necessary synergy between these two purposes Furthermore the author is convinced that international human rights law should not be studied as is done in virtually every textbook as a special legal regime separate and autonomous from the overall system of international law but as a regime that is fully integrated into the international legal order The book s dominant theme is the interrelationship of international human rights law and general international law Following this approach the author has chosen to devote comparatively little content to institutional issues Part IV and to instead more intensively explore the structural impact of human rights law on the entire international order Part I on the sources Part II and obligations Part III of general international law and what constitutes fundamental human rights Part V without neglecting other rights Part VI

Sovereign Defaults Before Domestic Courts Hayk Kupelyants, 2018 In this new book Hayk Kupelyants examines sovereign debt litigation before the English and New York courts The book sets out parties litigation choices at various stages of proceedings and provides the legal background against which parties to a sovereign bond may wish to negotiate The book offers an exhaustive account of litigation tactics available to bondholders and sovereign debtors alike The book is unique in the breadth of its coverage It examines issues of jurisdiction and choice of law at the preliminary stages of litigation substantive challenges of various sorts to sovereign debt restructurings and to the repayment of bonds on merits and enforcement of final judgments against the state and its assets in the post judgment phase This is a systematic explanation and critical evaluation of a difficult area of law with regard to the

current state of the law and key provisions of sovereign bond documents **Morals of Legitimacy** Italo Pardo,2000 With the growing fragmentation of western societies and disillusionment with the political process the question of legitimacy has become one of the key issues of contemporary politics and is examined in this volume in depth for the first time Drawing on ethnographic material from the U S Europe India Japan and Africa anthropologists and legal scholars investigate the morally diversified definitions of legitimacy that co exist in any one society Aware of the tensions between state morality and community morality they offer reflections on the relationship between agency individual and collective and the legal and political systems In a situation in which politics has only too often degenerated into vacuous rhetoric this volume demonstrates how critical the relationship between trust and legitimacy is for the authoritative exercise of power in democratic societies Italo Pardo is Honorary Research Fellow at the University of Kent The UN Convention on the Rights of the Child John Tobin,2019-03-28 The United Nations Convention on the Rights of the Child is the most extensive and widely ratified international human rights treaty This Commentary offers a comprehensive analysis of each of the substantive provisions in the Convention and its Optional Protocols on Children and Armed Conflict and the Sale of Children Child Prostitution and Pornography It provides a detailed insight into the drafting history of these instruments the scope and nature of the rights accorded to children and the obligations imposed on states to secure the implementation of these rights In doing so it draws on the work of the Committee on the Rights of the Child international regional and domestic courts academic and interdisciplinary scholarly analyses It is of relevance to anyone working on matters affecting children including government officials policy makers judicial officers lawyers educators social workers health professionals academics aid and humanitarian workers and members of civil society **Routledge Handbook of European Politics** José M. Magone,2014-12-17 Since the Treaty of the European Union was ratified in 1993 the European Union has become an important factor in an ever increasing number of regimes of pooled sovereignty This Handbook seeks to present a valuable guide to this new and unique system in the twenty first century allowing readers to obtain a better understanding of the emerging multilevel European governance system that links national polities to Europe and the global community Adopting a pan European approach this Handbook brings together the work of leading international academics to cover a wide range of topics such as the historical and theoretical background the political systems and institutions of both the EU and its individual member nations political parties and party systems political elites civil society and social movements in European politics the political economy of Europe public administration and policy making external policies of the EU This is an invaluable and comprehensive resource for students scholars researchers and practitioners of the European Union European politics and comparative politics **International Criminal Law, Volume 1: Sources, Subjects and Contents** M. Cherif Bassiouni,2008-12-31 Volume 1 deals with international crimes It contains several significant contributions on the theoretical and doctrinal aspects of ICL which precede the five chapters addressing some of the major categories of international crimes

The first two chapters address the sources and subjects of ICL and its substantive contents The other five chapters address Chapter 3 The Crime Against Peace and Aggression The Crime Against Peace and Aggression From its Origins to the ICC The Crime of Aggression and the International Criminal Court Chapter 4 War Crimes Crimes Against Humanity Penal Aspects of International Humanitarian Law Non International Armed Conflict and Guerilla Warfare Mercenarism and Contracted Military Services Customary International Law and Weapons Control Genocide Crimes Against Humanity Overlaps Gaps and Ambiguities in Contemporary International Humanitarian Law Genocide and Crimes Against Humanity Chapter 5 Crimes Against Fundamental Human Rights Slavery Slave Related Practices and Trafficking in Persons Apartheid International Prohibition of Torture The Practice of Torture in the United States September 11 2001 to Present Chapter 6 Crimes of Terror Violence International Terrorism Kidnapping and Hostage Taking Terrorism Financing Piracy International Maritime Navigation and Installations on the High Seas International Civil Aviation Chapter 7 Crimes Against Social Interest International Control of Drugs Challenges in the Development of International Criminal Law The Negotiations of the United Nations Convention Against Transnational Organized Crime and the United Nations Convention Against Corruption Transnational Organized Crime Corruption of Foreign Public Officials International Criminal Protection of Cultural Property Criminalization of Environmental Protection

The Cosmopolitan Constitution Alexander Somek, 2014-08-01 Originally the constitution was expected to express and channel popular sovereignty It was the work of freedom springing from and facilitating collective self determination After the Second World War this perspective changed the modern constitution owes its authority not only to collective authorship it also must commit itself credibly to human rights Thus people recede into the background and the national constitution becomes embedded into one or other system of peer review among nations This is what Alexander Somek argues is the creation of the cosmopolitan constitution Reconstructing what he considers to be the three stages in the development of constitutionalism he argues that the cosmopolitan constitution is not a blueprint for the constitution beyond the nation state let alone a constitution of the international community rather it stands for constitutional law reaching out beyond its national bounds This cosmopolitan constitution has two faces the first political face reflects the changed circumstances of constitutional authority It conceives itself as constrained by international human rights protection firmly committed to combating discrimination on the grounds of nationality and to embracing strategies for managing its interaction with other sites of authority such as the United Nations The second administrative face of the cosmopolitan constitution reveals the demise of political authority which has been traditionally vested in representative bodies Political processes yield to various and often informal strategies of policy co ordination so long as there are no reasons to fear that the elementary civil rights might be severely interfered with It represents constitutional authority for an administered world

The Handbook of Genetics & Society Paul Atkinson, Peter Glasner, Margaret Lock, 2009-07-02 An authoritative Handbook which offers a discussion of the social political ethical and economic consequences and implications of the new bio sciences

The Handbook takes an interdisciplinary approach providing a synoptic overview of contemporary international social science research on genetics genomics and the new life sciences It brings together leading scholars with expertise across a wide ranging spectrum of research fields related to the production use commercialisation and regulation of genetics knowledge The Handbook is structured into seven cross cutting themes in contemporary social science research on genetics with introductions written by internationally renowned section editors who take an interdisciplinary approach to offer fresh insights on recent developments and issues in often controversial fields of study The Handbook explores local and global issues and critically approaches a wide range of public and policy questions providing an invaluable reference source to a wide variety of researchers academics and policy makers

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