

# European Convention on Human Rights



EUROPEAN COURT OF HUMAN RIGHTS  
COUR EUROPÉENNE DES DROITS DE L'HOMME



# The European Convention On Human Rights Compliance Without Incorporation

**Murray Hunt**



## **The European Convention On Human Rights Compliance Without Incorporation:**

**International Law of Human Rights** Michael K. Addo, 2017-07-05 International law is a social construct crafted by human endeavour to achieve or at least contribute to the achievement of goals perceived to be valuable or necessary to effective social relations In effect international law is no more than a facilitative process and so cannot have answers and conclusions of its own other than what lies within the ambitions of those who define the limits of the process The essays collected together here reveal how international law facilitates the achievement of the long standing ambition of turning human rights ideals and rhetoric into reality

The European Convention on Human Rights and the Conflict in Northern Ireland Brice Dickson, 2012-03-15 This book charts the role played by the European Convention on Human Rights during the conflict in Northern Ireland from 1968 to the present day It offers a systematic case study of the Convention s capacity to protect human rights in a society wracked by terrorism and political conflict

**A Europe of Rights** Helen Keller, Alec Stone Sweet, 2008-07-31 The European Convention on Human Rights has evolved into a sophisticated legal system whose formal reach into the domestic law and politics of the Contracting States is limited only by the ever widening scope of the Convention itself as determined by a transnational court In this book a team of distinguished scholars trace and evaluate comparatively the impact of the ECHR and the European Court of Human Rights on law and politics in eighteen national systems Ireland UK France Germany Italy Spain Belgium Netherlands Norway Sweden Greece Turkey Russia Ukraine Poland Slovakia and Austria Switzerland Although the Court s jurisprudence has provoked significant structural procedural and policy innovation in every State examined its impact varies widely across States and legal domains The book charts this variation and seeks to explain it Across Europe national officials in governments legislatures and judiciaries have chosen to incorporate the ECHR into domestic law and they have developed a host of mechanisms designed to adapt the national legal system to the ECHR as it evolves But how and why State actors have done so varies in important ways and these differences heavily determine the relative status and effectiveness of Convention rights in national systems Although problems persist the book shows that national officials are gradually but inexorably being socialized into a Europe of rights a unique transnational legal space now developing its own logics of political and juridical legitimacy

**Human Rights Compliance in Europe** Zoë Jay, 2025-02-24 The European Court of Human Rights depends on the good faith cooperation of its members to implement judgement and maintain legitimacy but how this translates into compliance varies both across and within states This book presents an innovative framework for understanding how local cultures dynamically shape states ideas about what is and is not legitimate in international human rights regimes The book investigates compliance as a product of cultural politics Case studies from the United Kingdom Germany and Croatia reveal how states rely on local understanding of human rights and law to deal not only with compliance sticking points but also to evaluate the legitimacy of the European human rights system as a whole

**The Globalization of International Law** Paul Schiff Berman, 2017-07-05 International law is

no longer a sufficient rubric to describe the complexities of law in an era of globalization Accordingly this collection situates cross border norm development at the intersection of interdisciplinary scholarship on comparative law conflict of laws civil procedure cyberlaw legal pluralism and the cultural analysis of law as well as traditional international law It provides a broad range of seminal articles on transnational law making governmental and non governmental networks judicial influence and cooperation across borders the dialectical relationships among national international and non state legal norms and the possibilities of bottom up and plural law making processes The introduction situates these articles within the framework of law and globalization and suggests four important ways in which such a framework enlarges the traditional focus of international law This book therefore provides a crucial reference for scholars and practitioners seeking to understand the varied processes of norm development in the emerging global legal order

The European Convention on Human Rights David Kinley (Lecturer in law),1993 Part I

The Work of the Committee in the 2001-2005 Parliament Great Britain: Parliament: Joint Committee on Human Rights,2005-05-26 In this report the Committee describes and explains the full range of its work over the course of the 2001 2005 Parliament The Committee distils from its experience a number of suggestions for consideration by its successor committee and recommendations addressed to the Government in order to enhance the integration of human rights considerations into the overall policy and legislative process Chapter 2 explains the background to the Committee s establishment Chapter 3 covers the legislative scrutiny performed by the Committee The monitoring of the implementation of the Human Rights Act is the subject of chapter 4 while chapter 5 covers work in relation to institutional support for human rights within the UK The inquiries into the international treaties to which the UK is a party are dealt with in chapter 6 including the Convention on the Rights of the Child the International Covenant on Economic Social and Cultural Rights and the Convention on the Elimination of Racial Discrimination The final chapter describes the work undertaken on monitoring action taken by the Government in response to incompatibilities with Convention rights arising from Strasbourg judgments and declarations of incompatibility by UK courts

*Rewriting Rights in Europe* Linda Hancock,Carolyn O'Brien,2017-11-30 This title was first published in 2000 This text tackles a wide range of issues relating to rights citizenship and sovereignty in a European context Such issues are of concern elsewhere with regards to shifting conceptions and practices in international human rights This book looks at the question of how much European rights and human rights interact and how much they must do so if Europe as a whole is to be an arena of belonging and effective participation for all its residents This book reflects the focus on rights in Europe looking at debates concerning immigration and minority rights concerns about social exclusion social protection war crimes human rights women s rights and other topics

A Human Rights Commission Sarah Spencer,Ian Bynoe,1998 Year 1999 2000

**Parliaments and Human Rights** Murray Hunt,Haley J Hooper,Paul Yowell,2015-04-30 In many countries today there is a growing and genuinely held concern that the institutional arrangements for the protection of human rights suffer from a democratic deficit Yet at the

same time there appears to be a new consensus that human rights require legal protection and that all branches of the state have a shared responsibility for upholding and realising those legally protected rights This volume of essays tries to understand this paradox by considering how parliaments have sought to discharge their responsibility to protect human rights Contributors seek to take stock of the extent to which national and sub national parliaments have developed legislative review for human rights compatibility and the effect of international initiatives to increase the role of parliaments in relation to human rights They also consider the relationship between legislative review and judicial review for human rights compatibility and whether courts could do more to incentivise better democratic deliberation about human rights Enhancing the role of parliaments in the protection and realisation of human rights emerges as an idea whose time has come but the volume makes clear that there is a great deal more to do in all parliaments to develop the institutional structures processes and mechanisms necessary to put human rights at the centre of their function of making law and holding the government to account The sense of democratic deficit is unlikely to dissipate unless parliaments empower themselves by exercising the considerable powers and responsibilities they already have to interpret and apply human rights law and courts in turn pay closer attention to that reasoned consideration I believe that this book will be of enormous value to all of those interested in human rights in modern legislatures and the relationship between the two As this is absolutely fundamental to the character and credibility of democracy academic insight of this sort is especially welcome This is an area where I expect there to be an ever expanding community of interest From the Foreword by the Rt Hon John Bercow MP Speaker of the House of Commons

Aspects of Incorporation of the European Convention of Human Rights Into Domestic Law British Institute of International and Comparative Law, British Institute of Human Rights, 1993 Preface by J P Gardner

**Constitutional Justice, East and West** Wojciech Sadurski, 2002-12-31 How can the power of constitutional judges to overturn parliamentary choices on the basis of their own reading of the constitution be reconciled with fundamental democratic principles which assign the supreme role in the political system to parliaments This time honoured question acquired a new significance when the post communist countries of Central and Eastern Europe without exception adopted constitutional models in which constitutional courts play a very significant role at least in theory Can we learn something about the relationship between democracy and constitutionalism in general from the meteoric rise of constitutional tribunals in the post communist countries Can the discussions and controversies relating to constitutional review which have been going on for decades in more established democracies illuminate the sources of the strength of constitutional courts in Central and Eastern Europe These questions lie at the center of this book which focuses on the question of constitutional review in postcommunist states from a theoretical and comparative perspective The chapters contained in the book outline the conceptual framework for analyzing the sources the role and the legitimacy of constitutional justice in a system of political democracy From this perspective it assesses the experience of constitutional justice in the West where the model originated

and in Central and Eastern Europe where the model has been implanted after the fail of Communism *Yearbook of the European Convention on Human Rights/Annuaire de la convention europeenne des droits de l'homme, Volume 20 (1977)*

Council of Europe/Conseil de l'Europe,2024-08-26 The British Constitution in the Twentieth Century Vernon

Bogdanor,2004-06-10 This is the first scholarly survey of the British constitution in the twentieth century Indeed it fills a very real gap in the history of Britain during the last hundred years The book is a product of interdisciplinary collaboration by a distinguished group of constitutional lawyers historians and political scientists and draws where possible on primary sources Its evaluation of the recent constitutional reforms will be of particular interest This major interpretation of the constitution will remain authoritative for many years **Arrest and Detention Powers in English and Turkish Law and Practice in the Light of the European Convention on Human Rights** M. Bedri Eryilmaz,2021-09-27

It is commonly believed that in the police practices of arrest without judicial warrant and detention without charge England and Turkey stand at opposite ends of the compliance spectrum among nations signatory to the European Convention on Human Rights This is the first book to examine the extent to which such belief is warranted Beginning with a detailed comparison of the arrest and detention standards set by the Convention and the corresponding provisions of Turkish and English law the author then proceeds to investigate actual police practice in both countries He reviews and analyzes the existing research in England and Wales on how the status of suspects in practice compares with the status of suspects in law To determine this in Turkey where no such research existed before this book he offers the results of his own field work in 21 Turkish police stations and three gendarmeries in various cities and towns as well as in two Turkish anti terrorist departments This is the first publication of any research into how Turkish police apply law to practice He goes on to examine the adequacy and effectiveness of remedies in both countries and to make recommendations not only for reform in England and Turkey but to the Convention organs with respect to gaps and weaknesses in their case law For criminal justice and law enforcement authorities this is a valuable guide to ensuring compliance with the extensive and developed standards established by the case law of the Convention and to handling allegations of breaches of the Convention by the police In addition **Arrest and Detention Powers in Turkish and English Law and Practice in the Light of the European Convention on Human Rights** is a penetrating analysis of law in books versus law in action and as such has relevance to anyone concerned with the enforcement of human rights law Controlling State Crime Jeffrey Ross,2017-09-04

Academic research on state crime has focused on the illegal actions of individuals and organizations i e syndicates and corporations Interchangeably labeled governmental crime delinquency illegality or lawlessness official deviance and misconduct crimes of obedience and human rights violations state crime has largely been considered in relation to insurgent violence or threats to national security Generally it has been seen as a phenomenon endemic to authoritarian countries in transitional and lesser developed contexts We need look no further than today s headlines to see the evidence of state crime Rwanda where government troops

massacred countless Hutus and Tutsis governmental atrocities in Kosovo at the hands of the Yugoslavian Army and East Timor where both individuals and property have been decimated largely perpetrated by the Indonesian military The study of how to control state crime has been difficult There are definitional conceptual theoretical and methodological problems as well as difficulties in designing of practical methods to abolish combat control or resist this type of behavior Jeffrey Ian Ross reviews these shortcomings then develops a preliminary model of ways to control state crime His intention is stimulating scholarly research and debate but also encouraging progressive minded policymakers and practitioners who work for governmental and nongovernmental organizations The hope is that they will reflect upon the methods they advocate or use to minimize state transgressions This new edition will be of compelling interest to students of political science and criminology as well as general readers interested in human rights state crime and world affairs

**Using Human Rights Law in English Courts** Murray Hunt, 1998-02-19 This book demonstrates the scope that already exists for using international human rights law in English courts

**Prescriptive Legal Positivism** Tom Campbell, 2004 This collection of Tom Campbell's essays reaches back to his pioneering work on socialist rights in the 1980s and forward from his seminal book *The Legal Theory of Ethical Positivism* 1996

**Yearbook of the European Convention on Human Rights 1977** Council of Europe/Conseil de L'Europe, 1978-11-21 This volume of the Yearbook of the European Convention on Human Rights prepared by the Directorate of Human Rights of the Council of Europe relates to 2001 Its presentation follows that of previous volumes Part one contains basic texts and information of a general nature part two deals with the European Commission of Human Rights part three with the European Court of Human Rights part four with the Resolutions of the Committee of Ministers and parts five and six with the other work of the Council of Europe in the field of human rights the situation in the Member States and developments within the European Communities A bibliography and index are included

**Constitutional Reform in the United Kingdom** Jack Beatson, 1998-03-01 The Labour Government's proposals for reform of the UK's internal constitutional arrangements promise the most wide ranging and substantial overhaul of the constitution this century Their plans which include devolution for Scotland and Wales incorporation of the ECHR a Freedom of Information Bill and reform of both houses of Parliament are already far progressed but critical choices have still to be made Against this background and in view of these historical events the Directors of the Centre for Public Law at the University of Cambridge recently organised a major conference to discuss the legal and practical implications of the proposed reforms Speakers at the conference included leading academics barristers solicitors judges and politicians The results which are reproduced in this volume of conference proceedings will be essential reading for all those interested in constitutional reform and in British political history

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