

Criticism of the European Court of Human Rights

*Shifting the Convention System:
Counter-Dynamics at the National and EU Level*

Patricia Popelier, Sarah Lambrecht and Koen Lemmens (eds.)



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The Dynamics Of Development In The European Human Rights Convention System

Various Authors



The Dynamics Of Development In The European Human Rights Convention System:

The Dynamics of Development in the European Human Rights Convention System Clovis C. Morrisson, 1981-08-31 On the Commission and the Court *The Dynamics of Development in the European Human Rights Convention System* C. Morrisson, 1981 The Guarantees for Accused Persons Under Article 6 of the European Convention on Human Rights Stephanos Stavros, 2021-09-27 In recent times Article 6 of the European Convention on Human Rights which protects the right to a fair trial has been increasingly raised by applicants who allege its breach in proceedings involving criminal or quasi criminal charges The extensive case law emanating from Strasbourg that has thus been spawned has resulted in the formulation of detailed rules dictating the content of the guarantees afforded by Article 6 Indeed a pan European procedural standard for accused persons is beginning to emerge This book is the first to make an in depth analysis of the case law and goes on to compare the European Convention cases with decisions which have arisen from the interpretation of other international instruments The author's careful meticulous research reveals that Article 6 has been interpreted in such a way that the standards required for proceedings designated under national law as criminal are different than the standards applied to disciplinary and other administrative proceedings The book goes on to attempt to identify the judicial policy pursued by the European Court and Commission when construing Article 6 while proposing a fresh approach to the problems raised by the applications of the detailed guarantees of the provisions in proceedings of a widely varied nature Dr Stavros has been a member of the Athens Bar since 1987 He is currently employed as a legal expert by the Directorate of European Communities Affairs of the Greek Ministry of Foreign Affairs The Burden of Proof in Comparative and International Human Rights Law Juliane Kokott, 2023-12-28 This book explores how courts decide or ought to decide in situations of uncertainty A Court must always decide the case before it even if the relevant facts remain unclear The question then arises which party benefits and which party is burdened by that uncertainty In these cases the Court must apply the rules on the burden of proof or more precisely the burden of persuasion Their importance for the individual claimant is obvious The comparison of two domestic systems one based on common law and the other a traditional code based legal order with regard to the issue of burden of proof helps to clarify the terminology and lays the ground for dealing with the burden of proof in international human rights law Without knowing what can be understood by the term burden of proof under domestic law international lawyers with different domestic law backgrounds are in danger of misunderstanding each other This may lead to obscuring the problems connected with court decisions involving uncertainty The study also deals with uncertainties with regard to legislative general in contrast to adjudicative individual facts and with uncertainties in the framework of predictions in contrast to uncertainties relating to historic facts It attempts to prepare the ground for dealing more consciously and more consistently with problems of uncertainty in international human rights law International courts due to their geographical and cultural distance from the case usually have less access to the underlying facts Nevertheless in

order to protect human rights effectively international courts and tribunals cannot always restrict themselves to reviewing the law but may also have to decide on the facts Thus issues relating to decision making on the basis of uncertain facts including the burden of persuasion are even more important in international than in domestic human rights law Recueil Des Cours, 1989-IV Académie de droit international de La Haye, 1990-11-01 The Academy is an institution for the study teaching of public private international law related subjects Its purpose is to encourage a thorough impartial examination of the problems arising from international relations in the field of law The courses deal with the theoretical practical aspects of the subject including legislation case law All courses at the Academy are in principle published in the language in which they were delivered in the Collected Courses of the Hague Academy of International Law This volume contains Reform but not Revolution General Course on Private International Law by Peter M NORTH Questions de droit international prive et dommages catastrophiques par Tito BALLARINO *The European System for The Protection of Human Rights* Ronald Macdonald, F. Matscher, H. Petzold, 1993-01-01 **Complete Public Law** Lisa Webley, Harriet Samuels, 2021 Complete Public Law combines extracts from key primary and secondary materials with jargon free text to provide a resource for the student new to the study of constitutional and administrative law **Routledge Library Editions: Modern East and South East Asia** Various Authors, 2022-07-30 This 7 volume set reissues a range of classic out of print texts that cover a host of issues that have contributed to the development of modern East and South East Asia With titles covering economics politics history anthropology and security this set provides the researcher with an essential resource on the region **The Prospects for a Regional Human Rights Mechanism in East Asia (RLE Modern East and South East Asia)** Hidetoshi Hashimoto, 2015-05-15 Regional inter governmental human rights organizations have been in operation for sometime in Europe the Americas and Africa These regional human rights mechanisms have proven to be useful and effective in comparison to the global human rights mechanisms available at the United Nations The purpose of this study first published in 2004 is to investigate the possibility of establishing a regional inter governmental human rights mechanism in East Asia with a focus on the contributions of nongovernmental organizations NGOs to such a development **The Margin of Appreciation Doctrine in the Dynamics of European Human Rights Jurisprudence** Howard Charles Yourow, 2021-09-27 The Margin of Appreciation Doctrine in the Dynamics of European Human Rights Jurisprudence is the first full length monograph to treat this subject which is of central importance to the interpretation and application of the European Convention on Human Rights It will enrich the understanding and appreciation of judges advocates civil servants scholars researchers students and indeed of anyone whose life and work is affected by national and international human rights adjudication This thorough and learned analysis synthesizes the work of the Strasbourg judicial organs proceeding in the light of the ongoing debates on the appropriate place of the margin doctrine in the Strasbourg jurisprudence The author s rich conclusions add texture and perspective to the future judicial and scholarly dialogues which will no doubt continue to

surround this subject matter The text is eminently readable written in a clear and precise style to be appreciated by the novice and specialist alike The newcomer to human rights and to the Convention will find it an inviting introduction to complex material the expert will gain new and expanded insights into the development of the case law rarely to be found in this breadth and depth

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