

Nice Book Uk European Human Rights Relationship

Disabled people and European human rights - Clements, Luke
2003-02-12

Over the past two decades, there has been increasing recognition of the ways in which disabled children and adults have been denied human and civil rights that others take for granted. In the year 2000, the Human Rights Act 1998 came into force. This book reviews the implications of the Act for disabled people. The book provides: an overview of key policy and legislative developments in the UK in relation to disabled children and adults in the post war period; an outline of the European Convention on Human Rights, The Human Rights Act 1998 and related procedures; an account of the ways in which disabled people's human rights have increasingly become a matter of concern and the implications of the Human Rights Act in relation to specific issues; a debate about the ways in which public bodies and practitioners within them can engage positively with the provisions of the Human Rights Act to develop better practice. Disabled people and human rights will be of interest to both disabled people themselves and organisations representing their interests, professionals whose work brings them into contact with disabled people, and students of social work, social care, disability studies and law.

European Human Rights and Family Law - Shazia Choudhry 2010-04-27

This book examines the potential impact of human rights in the way the law interacts with families. Traditionally family law has been dominated by consequentialist/utilitarian themes. The most notable example of this occurs in the law relating to children and the employment of the "welfare principle". This requires the court to focus on the welfare of the child as the paramount consideration. Hitherto the courts and, to a certain extent, family law academics, have firmly rejected the use of the language of rights, preferring the discretion and child-centred focus of welfare. However, the incorporation of the European Convention on Human Rights via the Human Rights Act now requires family law to deal more clearly with the competing rights that family members can hold. In addition, it is clear that, to date, the courts have largely ignored or minimised the different demands that the HRA imposes on the judiciary and, in particular, judicial reasoning. This book challenges that view and suggests ways in which the family courts may improve their reasoning in this field. No longer can cases be dealt with on the basis of a simple utilitarian calculation of what is in the best interests of the child and other family members - greater transparency is required. The book clarifies the different rights that family members can hold and, in particular, identifies ways in which it may be possible to deal with the clash of rights between family members that will inevitably occur. Whether this requires an abandonment of the utilitarian nature of family law, or a reworking of it, is a theme that runs throughout the book.

The Cambridge Companion to Human Rights Law - Conor Gearty
2012-11-22

Human rights are considered one of the big ideas of the early twenty-first century. This book presents in an authoritative and readable form the variety of platforms on which human rights law is practiced today, reflecting also on the dynamic inter-relationships that exist between these various levels. The collection has a critical edge. The chapters engage with how human rights law has developed in its various subfields, what (if anything) has been achieved and at what cost, in terms of expected or produced unexpected side-effects. The authors pass judgment about the consistency, efficacy and success of human rights law (set against the standards of the field itself or other external goals). Written by world-class academics, this Companion will be essential reading for students and scholars of human rights law.

The European Convention on Human Rights and the Conflict in Northern Ireland - Brice Dickson 2012-03-15

This book provides the first comprehensive account of the role played by the European Convention on Human Rights during the conflict in Northern Ireland from 1968. Brice Dickson studies the effectiveness of the Convention in protecting human rights in a society wracked by terrorism and deep political conflict, detailing the numerous applications lodged at Strasbourg relating to the conflict and considering how they were dealt with by the enforcement bodies. The book illustrates the limitations inherent in the Convention system but also demonstrates how the European Commission and Court of Human Rights gradually

developed a more interventionist approach to the applications emanating from Northern Ireland. In turn this allowed the Convention to become a more secure guarantor of basic rights and freedoms during times of extreme civil unrest and political turmoil elsewhere in Europe. The topics examined include the right to life, the right not to be ill-treated, the right to liberty, the right to a fair trial, the right to a private life, the right to freedom of belief, the right to freedom of expression, the right to freedom of assembly, and the right not to be discriminated against. The book argues that, while eventually the European Court did use the applications from Northern Ireland to establish important human rights principles, their development was slow and arduous and some gaps in protection still remain. The book illustrates the limits of the European Convention as a tool for protecting human rights in times of crisis.

A Europe of Rights - Helen Keller 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.

Core Socio-Economic Rights and the European Court of Human Rights - Ingrid Leijten 2018-01-25

Core Socio-Economic Rights and the European Court of Human Rights deals with socio-economic rights in the context of the jurisprudence of the European Court of Human Rights (ECtHR). The book connects the ECtHR's socio-economic case law to an understanding of the Court's responsibility to recognize the limitations of supranational rights adjudication while protecting the most needy. By exploring the idea of core rights protection in constitutional and international law, a new perspective is developed that offers suggestions for improving the ECtHR's reasoning in socio-economic cases as well as contributing to the debate on indivisible rights adjudication in an age of 'rights inflation' and proportionality review. Core Socio-Economic Rights and the European Court of Human Rights will interest scholars and practitioners dealing with fundamental rights and especially those interested in judicial reasoning, socio-economic and supranational rights protection.

A Bill of Rights for the UK? - Great Britain: Parliament: Joint Committee on Human Rights 2009

This report presents the Government's response to the Committee's 29th report (HL 165-I/HC 150-I, session 2007-08, ISBN 9780104013472). The Committee welcomes various aspects of the Government response but also has some substantive comments. It also notes that publication of the Government's Green Paper has been repeatedly delayed and recommends that it be published as soon as possible. The Government's reiteration of its commitment not to detract or resile from the rights in the European Convention on Human Rights (ECHR); and its acknowledgement that there would be scope for including in a new constitutional document a range of rights and responsibilities which go beyond those in the ECHR, are welcomed. The Committee is concerned to detect some equivocation in the Government's view about the Human Rights Act, particularly following the interview given by the Secretary of State for Justice in the Daily Mail on 10 December 2008. It also remains

unclear about the relationship between rights and responsibilities envisaged by the Government in a Bill of Rights. Finally, the Committee recommends that the Government should follow Australia's example and appoint an independent committee to conduct a national consultation on the whole range of options for a Bill of Rights for the UK, ahead of parliamentary consideration of the bill itself.

On Fantasy Island - Conor Gearty 2016-10-27

In the 2015 UK General Election, the Conservative party pledged to reset the UK's relations with Europe, holding an in-out referendum on membership of the European Union and repealing the Human Rights Act, to be replaced with a UK Bill of Rights. With the decision now taken to leave the EU, the future of the Human Rights Act and the UK's relations to the European Convention on Human Rights remains uncertain. Conor Gearty, one of the country's leading experts on human rights, here dissects the myths and fantasies that drive English exceptionalism over Europe, and shape the case for repealing the Human Rights Act. He presents a passionate case for keeping the existing legal framework for protecting human rights and our relationship with the European Convention. Analysing the reform agenda from the perspective of British law, history, politics, and culture, he lays bare the misunderstandings of the human rights system that have driven the debate so far. Structured in three parts, the book first exposes the myths that drive the anti-Human Rights Act argument. Second, Gearty outlines how the Act operates in practice and what its impact really is on the ground. Third, he looks to the future and the kind of Britain we want to live in, and how, for all its modesty, the survival or otherwise of the Human Rights Act will play a pivotal part in that future.

The European Union and China - Georg Wiessala 2009

EUROPEAN STUDIES: An Interdisciplinary Series in European Culture, History and Politics -- Contents -- Authors in this Volume -- Introduction -- THE CONTEXT OF EU-CHINA RELATIONS AND THE HUMAN RIGHTS DILEMMA -- Eu-China Relations: Historical and Contemporary Perspectives -- The Development of Eu-China Relations -- The Eu and China in the Context of Inter-regionalism -- Duality - Dialogue - Discourse: Some Perspectives on Human Rights in Eu-China Relations -- Sport and Politics: The 2008 Beijing Olympic Games -- ASPECTS OF THE GEO-POLITICAL SETTING OF EU-CHINA INTERACTION -- China Views Europe: A Multi-polar Perspective -- The European Union and China: Indian Perceptions and Perspectives -- Russia's Closer Ties with China: The Geo-politics of Energy and the Implications for the European Union - - The European Union, China and the United States: Complex Interdependence and Bi-multilateralism in Commercial Relations -- The European Union's Economic Ties with the Republic of China (Taiwan) -- ISSUES - POLICIES - PERCEPTIONS -- China, News Media Freedom and the West: Present and Future Perspectives -- Trade and Investment in the Relations Between the European Union and the People's Republic of China -- Eu-china Foreign Direct Investment: A Double-sided Perspective -- China's Search for Energy Security and Eu-China Relations -- Recent Chinese Practice In the Maintenance of Maritime Security and the European Experience -- Conclusions: Towards an Eu-China Research-Agenda 2010

Human Rights Law in Europe - Kanstantsin Dzehtsiarou 2014

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 Child and the European Convention on Human Rights - 2017-07-05

The European Convention on Human Rights is the most successful system for the enforcement of human rights in the world. However, to date its full potential for protecting children's rights has not been explored as attention has focused on the UN Convention on the Rights of the Child. This unique book provides the first analysis of the extensive

case law of the Commission and the Court of Human Rights on all issues concerning children and their rights. This study is important as a study of the regional protection of children's rights and, moreover, the case law itself can be directly applied in the legal system of nearly every European country, including the UK. The book includes chapters on the rights of the child under the European Convention on Human Rights in relation to education, protection from abuse, the right to identity, child care, juvenile justice, health care and immigration and the family. It also explores the potential of the Strasbourg mechanism for the protection of children's rights and thus provides a practical and vital guide to the study and use of the European Convention in the broad area of children's rights.

Great Debates on the European Convention on Human Rights - Fiona de Londras 2018-03-16

This engaging textbook provides a critical analysis of the legitimacy and effectiveness of the European Convention on Human Rights and its practical operation. In a succinct way, the book investigates questions around the legitimacy of how the European Court of Human Rights develops its law, the obligations of states to comply with its judgments, the adequacy of the Convention in securing basic goods, and the effectiveness of the system in protecting rights 'in the real world'. It assesses some under-explored areas of the Convention that are often overlooked. Presenting a number of debates about the legitimacy and effectiveness of the system in a provocative and critical style, this book encourages debate, discussion, and self-reflection on how, when and why the Convention protects human rights in Europe. An ideal text for Law students at English and Welsh universities and higher education institutions taking a module in The European Convention on Human Rights (LLB or LLM level), and for GDL/CPE students and those taking the postgraduate LPC training course.

Intellectual Property, Human Rights and Competition - Abbe

Elizabeth Lockhart Brown 2012-01-01

Abbe Brown's new work provides a welcome and extremely valuable addition of the human rights dimension to the long standing conflict over essential technologies between intellectual property and competition law. Steven Anderman, University of Essex, UK and University of Stockholm, Sweden Much has been written on the flexibilities available within the intellectual property system to address development and social needs. This book goes a step further: it explores how greater access to essential technologies can be ensured through human rights and competition law. Although the analysis is focused on UK and the European Union, the book provides valuable insights for assessing the situation in other jurisdictions. The author suggests an innovative approach for courts and legislators to overcome, in the light of public interest considerations, the limits imposed by intellectual property rights. This book is a much welcomed contribution to academic and policy debates on the subject. Carlos M. Correa, University of Buenos Aires, Argentina Intellectual property interacts (or clashes?) with human rights and competition law. The refreshing bit about this book is that a detailed practical approach to the inevitable balancing act is proposed. Abbe Brown explains how a human rights approach is the cornerstone of such a balancing approach and how positive results can be achieved towards unblocking essential technologies. And it can be done in the existing international legal framework, even if the latter could be improved. Well-researched, challenging and interesting reading! Paul Torremans, University of Nottingham, UK Abbe Brown's study starts from the assumption that IP right owners, particularly those of innovative technologies, dispose of a disproportionate strong legal position in relation to that of competitors and customers, which is detrimental to society at large. Brown investigates how the power of the IP right owners can be limited by applying existing human rights law and competition law. To that aim it is suggested to widen the legal landscape and to develop a more tripartite substantive approach to IP law, human rights law and competition law. Brown's study offers a very welcome new contribution to the literature on the functioning of IP law, by stressing the joint role which competition law and human rights law can play in this respect. F. Willem Grosheide, Utrecht University and Attorney at law, Van Doorne Amsterdam, The Netherlands This detailed book explores the relationship between intellectual property, competition and human rights. It considers the extent to which they can and must be combined by decision makers, and how this approach can foster innovation in key areas for society such as pharmaceutical drugs, communications software and technology to combat climate change. The author argues that these three legal fields are strongly interrelated and that they can

be used to identify essential technologies. She demonstrates that in some cases, combining the fields can deliver new bases for wider access to be provided to technologies. The solutions developed are strongly based on existing laws, with a focus on the UK and the EU and the structures of existing forms of dispute resolution, including the European Court of Human Rights and the dispute settlement bodies of the World Trade Organisation. The final chapters also suggest opportunities for further engagement at international policy and activist level, new approaches to IP and its treaties, and wider adoption of the proposals. This timely book will appeal to academics and practitioners in IP, competition and human rights, as well as innovation-related industry groups and access to knowledge, health and environment activists.

Monitoring the Government's response to court judgments finding breaches of human rights - Great Britain: Parliament: Joint Committee on Human Rights 2007-06-28

In the UK's institutional arrangements for protecting human rights, both Parliament and the judiciary have a central role. When the courts give a judgement finding that a law, policy or practice is in breach of human rights, it is for Parliament to scrutinise the adequacy of the Government's response and in some cases decide if there needs to be a change in law. An important part of the role of the Committee is to help Parliament in this function. This report brings together all their monitoring work in relation to both judgements of the European Court of Human Rights and declarations of incompatibility given by UK courts under the Human Rights Act.

European Public Law - Patrick J. Birkinshaw 2020-01-23

The sphere of public law is ill-defined and controversial. Taking the broad view that it comprises aspects of (for instance) constitutional principles, good and humane administration, judicial review based on the rule of law, human rights, liability for wrongdoing, public procurement, provision of public services, transparency, social media and protection of privacy – areas that link legal control to broad governmental purposes – the third edition of this established and much-praised work expands its examination of the emergence of European public law from European Union (EU) law (and its European Community and European Economic Community antecedents), the European Convention on Human Rights and the interface of these systems with Member State systems, to include the currently all-important challenge of Brexit. The book explains in detail what European public law is and the context in which laws interact in European societies. Masterfully summarising the debate surrounding the influence of EU and European Convention law on Member State law – particularly that of the United Kingdom (UK) – in a thematic and analytical manner, the author covers the following topics and much more as they persist in the shadow of Brexit: constitutional law and administrative law in the EU and France, Germany and the UK; subsidiarity in the EU and UK devolution; openness, transparency and access to information; national parliaments and scrutiny of EU law; influence of EU law on UK judicial review; access to justice in the light of austerity and government cuts in public expenditure; the future of the UK Human Rights Act; European influence on the law of liability; EU ombudsmen and internal grievance procedures; future relationship between EU and UK domestic law; citizenship and protection of human rights; competition, regulation, public service and the market; the impact of Brexit, the legal consequences of UK withdrawal legislation and European Public Law, the EU-UK written agreements on separation and the political statement's prospects for a post-Brexit trade deal. Detailed analyses of major cases and legal provisions are featured throughout the book. Given that the effects of Brexit will take decades to unfold, and not only in the UK, this new edition of a classic text will prove to be an invaluable guide to the ever-developing European context of domestic public law. The indelible marks of European integration must be fully understood if we are to understand public law and its future direction. The book will be of enormous assistance to political theorists and scientists and commentators and of immeasurable practical and academic importance in monitoring the future of Europe and its legal relationship with the UK. Academics and students will be rewarded by the detailed analysis of the context in which national laws and European laws interact. Practitioners in the UK, Europe and globally will gain invaluable insight into the laws they use to resolve practical questions of legal interpretation.

The Future of Human Rights in the UK - Richard Lang 2017-11-06

In November 2016 the University of Brighton hosted a one day conference entitled "The Future of Human Rights in the UK". Legal academics and practitioners from across the UK and Ireland attended to discuss the various topical issues that arise under the title of the

conference. Papers were presented on terrorism and counter-terrorism, the role of the European Court of Human Rights, surrogacy and parental rights, union rights, social and economic rights and Brexit; to name but a few. This edited collection comprises a selection of the papers presented. It is a thought-provoking collection designed to make the reader ask themselves: what does the future of human rights in the UK look like?

The UK and European Human Rights - Katja S Ziegler 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 relationship(s) 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.

Parliaments and the European Court of Human Rights - Alice Donald 2016-08-18

The European system of human rights protection faces institutional and political pressures which threaten its very survival. These institutional pressures stem from the backlog of applications before the European Court of Human Rights, the large number of its judgments that remain unimplemented, and the political pressures that arise from sustained attacks on the Court's legitimacy and authority, notably from politicians and jurists in the United Kingdom. This book addresses the theme which lies at the heart of these pressures: the role of national parliaments in the implementation of judgments of the Court. It combines theoretical and empirical insights into the role of parliaments in securing domestic compliance with the Court's decisions, and provides detailed investigation of five European states with differing records of human rights compliance and parliamentary mobilisation: Ukraine, Romania, the United Kingdom, Germany, and the Netherlands. How far are parliaments engaged in implementation, and how far should they be? Do parliaments advance or hinder human rights compliance? Is it ever justifiable for parliaments to defy judgments of the Court? And how significant is the role played by the Parliamentary Assembly of the Council of Europe? Drawing on the fields of international law, international relations, political science, and political philosophy, the book argues that adverse human rights judgments not only confer obligations on parliamentarians but also create opportunities for them to develop influential interpretations of human rights and enhance their own democratic legitimacy. It makes an authoritative contribution to debate about the future of the European and other supranational human rights mechanisms and the broader relationship between democracy, human rights, and legitimate authority.

The European Convention on Human Rights and the Employment Relation - Filip Dorssemont 2014-07-18

The accession by the European Union to the European Convention on Human Rights (ECHR) has opened up new possibilities in terms of the constitutional recognition of fundamental rights in the EU. In the field of employment law it heralds a new procedure for workers and trade unions to challenge EU law against the background of the ECHR. In theoretical terms this means that EU law now goes beyond recognition of fundamental rights as mere general principles of EU law, making the ECHR the 'gold standard' for fundamental (social) rights. This publication of the Transnational Trade Union Rights Working Group focuses on the EU and the interplay between the Strasbourg case law and the case law of the Court of Justice of the European Union (CJEU), analysing the relevance of the ECHR for the protection of workers' rights and for the effective enjoyment of civil and political rights in the employment relation. Each chapter is written by a prominent European human rights expert and analyses the case law of the European Court of Human Rights (ECtHR), and also looks at the equivalent international labour standards within the Council of Europe (in particular the

(Revised) European Social Charter), the International Labour Organization (ILO) (in particular the fundamental rights conventions) and the UN Covenants (in particular the International Covenant on Economic, Social and Cultural Rights) and the interpretation of these instruments by competent organs. The authors also analyse the ways in which the CJEU has acknowledged the respective ECHR articles as 'general principles' of EU law and asks whether the Lisbon Treaty will also warrant a reassessment of the way it has treated conflicts between these 'general principles' and the so-called 'fundamental freedoms'.

Human Rights in the Media - Michelle Farrell 2019-01-03

This collection sets about untangling some of the knotty issues in the underexplored relationship between human rights and the media. We investigate how complex debates in political, judicial, academic and public life on the role and value of human rights are represented in the media, particularly, in print journalism. To focus the discussion, we

concentrate on media representation of the controversial proposals in the United Kingdom to repeal the Human Rights Act 1998 and to replace it with a British Bill of Rights. The collection is underpinned by the observation that views on human rights and on the proposals to repeal and replace are polarised. On the one hand, human rights are presented as threatening and, therefore, utterly denigrated; on the other hand, human rights are idolised, and, therefore, uncritically celebrated. This is the 'fear and fetish' in our title. The media plays a decisive role in constructing this polarity through its representation of political and ideological viewpoints. In order to get to grips with the fear, the fetish and this complex interrelationship, the collection tackles key contemporary themes, amongst them: the proposed British Bill of Rights, Brexit, prisoner-voting, the demonisation of immigrants, press freedom, tabloid misreporting, trial by media and Magna Carta. The collection explores media representation, investigates media polarity and critiques the media's role.

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