



**EUROPEAN
CONVENTION ON
HUMAN RIGHTS**

Nice Uk European Human Rights Relationship

Ulrich Stelkens, Agnė Andrijauskaitė



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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

Human Rights in International Relations David P. Forsythe, 2017-08-18 This fourth edition of David P Forsythe's successful textbook provides an authoritative and timely analysis of the place of human rights in an age of upheaval in international politics Human rights standards are examined at the global regional and national levels with separate chapters on transnational corporations and advocacy groups Completely updated and revised the fourth edition takes account of new sources and recent scholarship as well as recent events such as the Syrian war the rise of ISIS refugee flows South Sudan crises and the resurgence of nationalism A new chapter has been added on the media and human rights covering both traditional and social media Examining attempts to protect human rights by various actors such as the United Nations the European Union transnational corporations and the media the book stresses that the open ended fate of universal human rights depends on human agency in this context Containing further reading suggestions and discussion questions this textbook is a vital resource for courses on human rights in an international context

Good Administration and the Council of Europe Ulrich Stelkens, Agnė Andrijauskaitė, 2020-09-11 Good Administration and the Council of Europe Law Principles and Effectiveness examines the existence and effectiveness of written and unwritten standards of good administration developed within the framework of the Council of Europe CoE and in the case law of the European Court of Human Rights These standards called pan European general principles of good administration cover the entire range of general organizational procedural and substantive legal institutions meant to ensure a democratically legitimized open and transparent administration respecting the rule of law They are about the limiting function of administrative law its function to protect individuals from arbitrary power to legitimize administrative action and to combat corruption This book analyses

the sources and functions of the pan European general principles of good administration and seeks to uncover how deeply they are rooted in the domestic legal systems of the CoE Member States It comprises 28 country reports dedicated to an in depth exploration of the impact of these standards on the national legal systems of the Member States written by respective experts on these systems It argues that the pan European general principles of good administration lead to a certain harmonization of the legal orders of the Member States with regard to the limiting function of administrative law despite the many fundamental differences between their administrative and legal systems It comes to the further conclusion that the pan European general principles of good administration can be considered as a concretization of the founding values of the CoE and describes the administrative law obligations a Member State entered into when joining the CoE

Surveillance, Privacy and Trans-Atlantic Relations David Cole, Federico Fabbrini, Stephen Schulhofer, 2017-02-09 Recent revelations by Edward Snowden and others of the vast network of government spying enabled by modern technology have raised major concerns both in the European Union and the United States on how to protect privacy in the face of increasing governmental surveillance This book brings together some of the leading experts in the fields of constitutional law criminal law and human rights from the US and the EU to examine the protection of privacy in the digital era as well as the challenges that counter terrorism cooperation between governments pose to human rights It examines the state of privacy protections on both sides of the Atlantic the best mechanisms for preserving privacy and whether the EU and the US should develop joint transnational mechanisms to protect privacy on a reciprocal basis As technology enables governments to know more and more about their citizens and about the citizens of other nations this volume offers critical perspectives on how best to respond to one of the most challenging developments of the twenty first century

Parliaments and the European Court of Human Rights Alice Donald, Philip Leach, 2016-08-19 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 **Bordering Two Unions** Sylvia de Mars, Colin Murray, Aoife O'Donoghue, Ben

Warwick, 2018-08-23 Available Open Access under CC BY NC licence How does Brexit change Northern Ireland's system of government Could it unravel crucial parts of Northern Ireland's peace process What are the wider implications of the arrangements for the Irish and UK constitutions Northern Ireland presents some of the most difficult Brexit dilemmas Negotiations between the UK and the EU have set out how issues like citizenship trade the border human rights and constitutional questions may be resolved But the long term impact of Brexit isn't clear This thorough analysis draws upon EU UK Irish and international law setting the scene for a post Brexit Northern Ireland by showing what the future might hold

Article 8 ECHR, Family Reunification and the UK's Supreme Court Helena Wray, 2023-02-09 How do courts reconcile protecting family life with immigration control in human rights cases This book addresses that question through an analysis of 11 UK Supreme Court decisions on immigration and family life mostly focusing on Article 8 ECHR the right to respect for family life and starting with *Huang v SSHD* in 2007 The analysis is set against a national context that includes the Human Rights Act 1998 and regular controversies over immigration The book explains how the European Court of Human Rights jurisprudence has developed in recent years but particularly in the absence of children it often still awards little weight to claims by citizens and residents to be joined by family when immigration status is an issue This reflects governments' resistance to encroachment on their control over borders The Supreme Court decisions show that despite powers conferred by the Human Rights Act a more nuanced position in domestic law was difficult to articulate and sustain The book explores the way in which these problems were reflected in the changing language argumentation and structure of judgments These problems revealed judges to be strategic actors drawing on personal and institutional values and responding to the shifting political context A more generous reading of Article 8 would be legally coherent but needs wider societal support to be realisable The book ends with a discussion of how if such support were present the jurisprudence could give more weight to the needs of families It is vital reading for anyone interested in families and immigration and in the problems and potential of human rights adjudication

Good Neighbourliness in the European Legal Context Dimitry Kochenov, Elena Basheska, 2015-07-28 Good Neighbourliness in the European Legal Context provides the first detailed assessment of the essence and application of the principle of good neighbourly relations in the European legal context illustrating its findings by a multi-faceted array of studies dedicated to the functioning of good neighbourly relations in a number of key fields of EU law The main claim put forward in this book is that the principle of good neighbourly relations came to occupy a vital place in the European legal context underpinning the very essence of the integration exercise *Learning Legal Skills and Reasoning*

Sharon Hanson, 2015-08-14 Language skills study skills argument skills and legal knowledge are vital to every law student professional lawyer and academic Learning Legal Skills and Reasoning discusses the main sources of English law and explains how to work with legal texts in order to construct credible legal arguments which can be applied in coursework exams or presentations Learning Legal Skills and Reasoning Discusses how to find and understand sources of both domestic and European Union Law Develops effective disciplined study techniques including referencing general reading writing and oral skills and explains how to make good use of the university print and e library Contains chapters on writing law essays problem questions and examinations and on oral skills including presentations and mediation skills Packed full of practical examples and diagrams across the range of legal skills from language and research skills to mooting and negotiation this textbook will be invaluable to law students seeking to acquire a range of discreet legal skills in order to use them together to produce competent assessed work

European Union Law in Context Ester Herlin-Karnell, Gerard Conway, Aravind Ganesh, 2021-09-23 This textbook provides an explanatory and contextual view of EU law and its impact in a simple and easily accessible yet analytical manner It illustrates the power struggles behind a given EU law act to allow for full understanding of how it developed This allows the student to understand EU law as a force in the increasingly globalized world rather than as technical and doctrinal subject The textbook begins by setting the scene of EU integration how we got there and why it is important Thereafter it explores the constitutional framework for understanding EU law in context and by discussing inter alia division of competences accountability legitimacy enforcement human rights participation rights and so on as well as the general principles of the EU and citizenship rights Subsequently the textbook explores the essentials of the internal market as well as the principles of competition law It also discusses free movement rights and links to the growing Area of Freedom Security and Justice Finally the textbook offers fresh insights on the external dimension of EU law and the role of the EU in the world today before concluding with an outlook on the future of EU law including the consequences of events such as Brexit

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