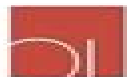


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Theory and Practice of the European Convention on **Human Rights**

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A Theory Of Interpretation Of The European Convention On Human Rights

Anne Lise Kjær, Joanna Lam



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Treaty Interpretation and the Vienna Convention on the Law of Treaties M. Fitzmaurice, Olufemi A. Elias, Panos Merkouris, 2010 Interpretation has always been a cornerstone of international adjudication This book offers a comprehensive analysis both on a theoretical and a practical level of where the principles of interpretation enshrined in Articles 31-33 of the VCLT currently stand

Jacobs, White & Ovey: The European Convention on Human Rights Robin C A White, Clare Ovey, 2010-03-18 The highly experienced and respected authors select the most important case law and give a highly authoritative concise account of the European Convention on Human Rights Focuses on the European Convention itself rather than its implementation in any one member state and so is essential reading for human rights students across Europe Examines each Convention right in turn with a newly revised structure to map even more closely to human rights courses As a lecturer and a practitioner the authors are perfectly placed to provide up to date coverage of Strasbourg case law and explain it in a lively straightforward manner From publisher's website

Homosexuality and the European Court of Human Rights Paul Johnson, 2013-09-05 Homosexuality and the European Court of Human Rights is the first book length study of the Court's jurisprudence in respect of sexual orientation It offers a socio legal analysis of the substantial number of decisions and judgments of the Strasbourg organs on the wide range of complaints brought by gay men and lesbians under the European Convention on Human Rights Providing a systematic analysis of Strasbourg case law since 1955 and examining decades of decisions that have hitherto

remained obscure the book considers the evolution of the Court's interpretation of the Convention and how this has fashioned lesbian and gay rights in Europe Going beyond doctrinal analysis by employing a nuanced sociological consideration of Strasbourg jurisprudence Paul Johnson shows how the Court is a site at which homosexuality is both socially constructed and regulated He argues that although the Convention is conceived as a living instrument to be interpreted in the light of present day conditions the Court's judgments have frequently forged and advanced new social conditions in respect of homosexuality Johnson argues that the Court's jurisprudence has an extra legal importance because it provides an authoritative and powerful discursive resource that can be mobilized by lesbians and gay men to challenge homophobic and heteronormative social relations in contemporary societies As such the book considers how the Court's interpretation of the Convention might be evolved in the future to better protect lesbian and gay rights and lives

Law of the European Convention on Human Rights David John Harris, Michael O'Boyle, Ed Bates, Carla Buckley, 2023 This seminal text offers a comprehensive account of the case law of the ECHR and its underlying principles It provides a guide to decisions under the Convention and its protocols article by article as well as explaining the history and likely development of the law

The ECHR and Human Rights Theory Alain Zysset, 2016-10-04 The European Convention of Human Rights ECHR has been relatively neglected in the field of normative human rights theory This book aims to bridge the gap between human rights theory and the practice of the ECHR In order to do so it tests the two overarching approaches in human rights theory literature the ethical and the political against the practice of the ECHR system The book also addresses the history of the ECHR and the European Court of Human Rights ECtHR as an international legal and political institution The book offers a democratic defence of the authority of the ECtHR It illustrates how a conception of democracy more specifically the egalitarian argument for democracy developed by Thomas Christiano on the domestic level can illuminate the reasoning of the Court including the allocation of the margin of appreciation on a significant number of issues Alain Zysset argues that the justification of the authority of the ECtHR its prominent status in the domestic legal orders reinforces the democratic process within States Parties thereby consolidating our status as political equals in those legal and political orders

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Language and Legal Interpretation in International Law Anne Lise Kjær, Joanna Lam, 2022 Language and Legal Interpretation in International Law sheds light on the complicated process of language interpretation that adjudicators judges and arbitrators and legal practitioners adopt when they act within international legal systems The book also analyzes the role that language and the diversity of languages and national legal cultures plays in different international legal systems

Interpretation in International Law Andrea

Bianchi, Daniel Peat, Matthew Windsor, 2015 International lawyers have long recognised the importance of interpretation to their academic discipline and professional practice As new insights on interpretation abound in other fields international law and international lawyers have largely remained wedded to a rule based approach focusing almost exclusively on the Vienna Convention on the Law of Treaties Such an approach neglects interpretation as a distinct and broader field of theoretical inquiry Interpretation in International Law brings international legal scholars together to engage in sustained reflection on the theme of interpretation The book is creatively structured around the metaphor of the game which captures and illuminates the constituent elements of an act of interpretation The object of the game of interpretation is to persuade the audience that one's interpretation of the law is correct The rules of play are known and complied with by the players even though much is left to their skills and strategies There is also a meta discourse about the game of interpretation playing the game of game playing which involves consideration of the nature of the game its underlying stakes and who gets to decide by what rules one should play Through a series of diverse contributions Interpretation in International Law reveals interpretation as an inescapable feature of all areas of international law It will be of interest and utility to all international lawyers whose work touches upon theoretical or practical aspects of interpretation

The Max Planck Handbooks in European Public Law Armin von Bogdandy, Huber Peter M., Christoph Grabenwarter, 2023-04-13 The Max Planck Handbooks in European Public Law series describes and analyzes the public law of the European legal space an area that encompasses not only the law of the European Union but also the European Convention on Human Rights and importantly the domestic public laws of European states Recognizing that the ongoing vertical and horizontal processes of European integration render legal comparison the task of our time for both scholars and practitioners the project aims to foster a better understanding of the specific European legal pluralism and ultimately to contribute to the legitimacy and efficiency of European public law The first volume of the series began this endeavour with an appraisal of the evolution of the state and its administration offering both cross cutting contributions and specific country reports The third volume the second in chronological terms continues this approach with an in depth appraisal of constitutional adjudication in various and diverse European countries Fourteen country reports and two cross cutting contributions investigate the antecedents foundations organization procedure and specific approach to constitutional issues throughout the Continent The fourth volume now compares European constitutional jurisdiction in the European legal space It examines the structures of the organization the appointment of judges the procedures and the methods of argumentation and interpretation their impact on state and society their legitimacy as well as their role in the division of powers and thus completes the picture following the country reports in Volume III This comparative perspective is supplemented by an examination that illustrates the relationship with the ECJ the ECtHR and the Venice Commission as well as their constitutional function Finally Constitutional Adjudication Common Themes and Challenges is devoted to the challenges constitutional jurisdiction in the European judicial area is currently

facing The historical political and theoretical foundations as well as the basic dogmatic features of constitutional jurisdiction are presented in such a way that the discussion about its role and further development in this legal space is sustainably stimulated **The Reception of International Law in the European Court of Human Rights** Magdalena

Forowicz,2010 The growing number of international courts and tribunals and their burgeoning case law have fuelled concerns about the fragmentation of international law This arises as a consequence of both the specialized regimes these courts create and the multiple ways in which they may interpret international law emanating from other sources This book considers this issue by examining the busiest and arguably most successful international court the European Court of Human Rights More specifically it focuses on the jurisprudence of the Court and its predecessor the European Commission of Human Rights covering a range of special human rights regimes treaty law and the case law of the International Court of Justice The author assesses whether the Court has been able to adopt a coherent comprehensive approach to the interpretation and evaluation of international law and thus the extent to which it has been able to contribute to the development and coherence of international law **The Limits of Legal Reasoning and the European Court of Justice** Gerard Conway,2012-01-12

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Interpretation as Anti-Fragmentation Tools Liliana E. Popa,2017-12-29 This book investigates whether treaty interpretation at the ECtHR and WTO which are sometimes perceived as promoting self contained regimes could constitute a means for unifying international law or conversely might exacerbate the fragmentation of international law In this regard the practice of the ICJ on treaty interpretation is used for comparison since the ICJ has made the greatest contribution to the development and clarification of international law rules and principles Providing a critical analysis of cases at the ICJ ECtHR and WTO both prior to and since the adoption of the 1969 Vienna Convention on the Law of Treaties the book reveals how the ECtHR and WTO apply the general rules of treaty interpretation in patterns which are similar to those used by the ICJ to address difficulties in interpreting the text of treaties Viewed in the light of the ECtHR s and WTO s interpretative practices both the VCLT s general rules of interpretation and the ICJ s interpretative practice serve to counteract the fragmentation of international law **European Consensus and the Legitimacy of the European Court of Human Rights** Kanstantsin

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The European Court of Human Rights the Inter American Court of Human Rights and the African Court on Human and Peoples Rights are three supranational jurisdictions that protect human rights This book is the first comprehensive study to compare the three regional courts It also considers how they operate as parts of a greater whole **The Evolutionary Interpretation of Treaties** Eirik Bjørge, 2014 If a treaty from the 1850s regulating commerce or forbidding degrading treatment of persons is to be interpreted 150 years later does commerce or degrading treatment of persons have the same meaning at the time of interpretation as they had when the treaty was agreed The evolutionary interpretation of treaties has proven one of the most controversial topics in the practice of international law Indeed it has been seen as going against the very grain of the law of treaties and has been argued to be contrary to the intention of the parties breaching the principle of consent This book asks what the place of evolutionary interpretation is within the understanding of treaties at a time when many important international legal instruments are over 50 years old It sets out to place the evolutionary interpretation of treaties on a firm footing within the general rule of interpretation as codified in Article 31 of the Vienna Convention on the Law of Treaties The book demonstrates that the evolutionary interpretation of treaties in common with all other types of interpretation such as good faith the text of the treaty context object and purpose is in fact based upon an objective understanding of the intention of the parties In order to marry intention and evolution in this way the book argues that on the one hand evolutionary interpretation is the product of the correct application of Article 31 and on the other that Article 31 is geared towards the establishment of the intention of the parties The evolutionary interpretation of treaties is therefore shown to represent an intended evolution **Applications of the 'Fair Hearing' Norm in ECHR Article 6(1) to Civil Proceedings** Ola Johan Settem, 2015-12-15 This book focuses on the most important implications of the fair hearing right for conducting civil proceedings It provides a thorough and critical analysis of the case law of the European Court of Human Rights the Strasbourg Court regarding Article 6 of the European Convention on Human Rights It puts forward a generally applicable framework for the analysis of the various procedural issues to which the fair hearing right may give rise then applies that framework to discuss a selection of specific procedural issues The book investigates several important questions of general scope in the context of ECHR Article 6 such as What is the relevance of case law regarding criminal proceedings when the fair hearing right is applied to civil proceedings How does the Strasbourg Court actually proceed when evaluating whether specific court proceedings have been fair What are the roles of fundamental concepts such as the margin of appreciation and proportionality in this regard In the subsequent discussion of specific procedural issues the focus is on the balance that must be struck between procedural safeguards and the objectives of efficiency and economy The book considers specific procedural issues such as When must an oral hearing be held in order for civil proceedings to be fair When will a refusal of specific evidence render civil proceedings unfair When is a civil litigant entitled to legal aid As such the book not

only presents current case law it also compares various strands of the case law regarding the fair hearing right and argues that the Strasbourg Court's approach to various pertinent issues needs to become more consistent Offering an in depth examination of the Strasbourg Court's case law regarding ECHR Article 6 this book should be consulted by anyone interested in fundamental fair trial rights Parry and Grant Encyclopaedic Dictionary of International Law John P Grant,J.Craig Barker,2009-10-02 For nearly thirty five years the international legal community has relied on one ambitious yet humble volume as a starting point for legal questions This classic red volume is a one of a kind reference tool that brings together both terminology and pertinent descriptive information on international law This book will also be available online as an e reference on the Oxford University Press Digital Reference Shelf Now in its third edition The Parry and Grant Encyclopaedic Dictionary of International Law is completely updated and expanded to include increased coverage in growing areas of international law including diplomatic law criminal law human rights and more Over 2 500 entries over a 20% increase in content from the previous edition provides the reader with copious references for further research including cases treaties journal articles and websites Its alphabetically arranged entries allow the reader to form a deeper understanding than a mere definition could supply and offer concise but substantial information on such essentials of international law as Legal terms as used in international law Significant doctrines Prominent cases decisions and arbitration Important incidents Judicial and literary figures Treaties and conventions Organizations and institutions Acronyms

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