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A THEORY OF
INTERPRETATION
OF THE EUROPEAN
CONVENTION ON
HUMAN RIGHTS

George Letsas

A Theory Of Interpretation Of The European Convention On Human Rights

**M. Fitzmaurice, Olufemi A. Elias, Panos
Merkouris**



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Theory and Practice of the European Convention on Human Rights Pieter van Dijk, Godefridus J. H. Hoof, G. J. H. Van Hoof, 1998-06-03 This is the third edition of Van Dijk and Van Hoof's classic work Theory and Practice of the European Convention The developments which have taken place under the Convention since the second edition was published have been numerous and comprehensive and the Convention has gained a central position in the legal systems of many European countries Three Protocols have been added to the Convention the number of Parties to the Convention has grown from twenty two to no less than thirty six and the case law concerning the Convention has increased significantly Like its predecessors this third edition offers a full description of the present procedural practice and case law of both the European Commission and the European Court of Human Rights and is an indispensable guide Protocol No 11 to the Convention which will enter into force by the end of 1998 will drastically change the supervisory system under the Convention establishing one Court This new Court will also perform the present functions of the Commission's procedures and working methods and by its case law concerning admissibility This new edition will therefore remain relevant for the practice and case law of the new Court for many years to come

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A Constitutionalist Approach to the European Convention on Human Rights Lisa Sonnleitner, 2022-04-21 This book presents a new constitutional argument for the legitimacy of evolutive interpretation of the ECHR It constructs a model in which evolutive and static constitutional principles are balanced with each other The author argues that there are three possible interpretive approaches in time sensitive interpretations of the ECHR but that only one of them is justifiable by reference to the constitutional principles of the ECHR in every single case The ECHR's constitutional principles either require an evolutive or static interpretation or they do not establish a preference relation at all which leads to a margin of appreciation of the member states in the interpretation of the Convention The balancing model requires the determination of the weights of the competing evolutive and static constitutional principles For this purpose the author defines weighting factors for determining the importance of evolutive or static interpretation in a concrete case

The European Convention on Human Rights - Principles and Law Carla M. Buckley, Krešimir Kamber, Pamela McCormick, David J. Harris, 2022-11-23 An indispensable guide for university students government officials and legal practitioners alike The European Convention on Human Rights

Principles and law is the essential handbook for university students government officials lawyers and human rights advocates seeking a comprehensive and concise account of the case law generated under the European Convention on Human Rights Written by experts on the Convention it cites nearly 1 500 cases providing links to each case in the HUDOC database identifies key challenges and current legal developments provides suggestions for further reading on contentious issues is a companion text to Council of Europe s book The individual application under the European Convention on Human Rights Procedural guide by Linos Alexandre Sicilianos and Maria Andriani Kostopoulou

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

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

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

The European Convention on Human Rights and the Employment Relation Filip Dorssemont, Klaus Lörcher, Isabelle Schömann, 2013-11-25 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

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

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