

European Court Of Human Rights Remedies And Execution Of Judgments

From Rights to Remedies Open Society Justice Initiative 2013 From Rights to Remedies examines the mechanisms of how international human rights decisions are implemented at the national level. It analyzes the strategies and structures including the executive branch, legislatures, and domestic courts that can promote or thwart implementation.

European Court of Human Rights Dia Anagnostou 2013-04-22 This collection explores the domestic execution of the European Court of Human Rights' judgments and dissects the variable patterns of implementation within and across states. Discover how marginalised individuals, civil society and minority act *Judgments of the European Court of Human Rights* Donna Gomien 1995 " ... prepared in response to the needs of legal practitioners and others working with the European Convention on Human Rights ... easy means of both finding the judgments of the ... Court ... most relevant to their work and reviewing the history of those cases ..."--Colophon.

The European Court of Human Rights and its Discontents Spyridon Flogaitis 2013-01-01 The European Court of Human Rights has long been part of the most advanced human rights regime in the world. However, the Court has increasingly drawn criticism, with questions raised about its legitimacy and backlog of cases. This book for the first time brings together the critics of the Court and its proponents to debate these issues. The result is a collection which reflects balanced perspectives on the Court's successes and challenges. Judges, academics and policymakers engage constructively with the Court's criticism, developing novel pathways and strategies for the Court to adopt to increase its legitimacy, to amend procedures to reduce the backlog of applications, to improve dialogue with national authorities and courts, and to ensure compliance by member States. The solutions presented seek to ensure the Court's relevance and impact into the future and to promote the effective protection of human rights across

Europe. Containing a dynamic mix of high-profile contributors from across Council of Europe member States, this book will appeal to human rights professionals, European policymakers and politicians, law and politics academics and students as well as human rights NGOs.

European Court of Human Rights Theodora A. Christou 2005 This collection of papers provides international and comparative perspectives on the much-debated issues of execution of judgments by States and the remedies available for individuals. As the ECtHR's reach and workload increases, it has become imperative to analyse its effectiveness and what happens after it passes judgments. With contributions from leading academics and lawyers, it is of use to both practitioners and students of human rights law.

The Execution of Judgments of the European Court of Human Rights Elisabeth Lambert-Abdelgawad 2008-01-01 An important provision of the European Convention on Human Rights is that in the event of a violation being found, not only is the state in question required to redress the consequences of the violation vis-à-vis the applicant - by such means as reopening of proceedings at the origin of the violation, reversal of a judicial verdict, discontinuation of expulsion proceedings or, where necessary, payment of a monetary award to the applicant; but it must also take general measures to prevent the repetition of the violation. These latter measures may take the form, for example, of a change in legislation, recognition of the Court's judgment in national case-law, the appointment of extra judges or magistrates to absorb a backlog of cases, the construction of detention centres suitable for juvenile delinquents, the introduction of training for the police, or other similar steps. This second edition continues to examine both individual measures and general measures taken by states in accordance with the Court's judgments and with the supervisory proceedings of the Committee of Ministers, as published in its human rights (DH)

resolutions.

Judgments of the European Court of Human Rights - Effects and Implementation Anja Seibert-Fohr 2017-05-15 This volume deals with the domestic effects of judgments of the European Court of Human Rights as a challenge to the various levels of legal orders in Europe. The starting point is the divergent impact of the ECtHR's jurisdiction within the Convention States. The volume seeks new methods of orientation at the various legal levels, given the fact that the Strasbourg case law is increasingly important for most areas of society. Topical tendencies in the case law of the Court are highlighted and discussed against the background of the principle of subsidiarity. The book includes a detailed analysis of the scope, reach, consequences and implementation of the Court's judgments and of the issue of concomitant damages. At the same time the volume deals with the role of domestic jurisdictions in implementing the ECtHR's judgments. Distinguished Judges, legal academics and practitioners from various Council of Europe States are among the contributors to this volume, which succeeds in bringing divergent points of view into the discussion and in developing strategies for conflict resolution.

Protocol No. 14 and the Reform of the European Court of Human Rights Wouter Vandenhoele 2005 Chapter V. Execution of judgments.

Reforming the European Convention on Human Rights Council of Europe. Steering Committee for Human Rights 2009-01-01 The European ministerial conference on human rights, meeting in Rome on the 50th anniversary of the Convention for the Protection of Human Rights and Fundamental Freedoms, emphasised two crucial elements: - the responsibility of member states, Parties to the Convention, to ensure constantly that their law and practice conform to the Convention and to execute the judgments of the European Court of Human Rights; - that urgent measures be taken to assist the Court in carrying out its functions, given the ever increasing number of applications. An in-depth reflection should be started as soon as possible on the various possibilities and options with a view to ensuring the effectiveness of the Court

in the light of this new situation. The Rome conference has sparked intensive work. Ever since January 2001, the intergovernmental co-operation activities of the Steering Committee for Human Rights (CDDH) of the Council of Europe have concentrated on developing normative instruments, of which the most important has been Protocol No. 14 to the Convention. This work has benefited greatly from high-level debates during a series of round-table discussions, within working groups and at seminars organised mainly by the successive presidencies of the Committee of Ministers. The present volume contains a record of this work.

Human rights and criminal procedure Jeremy McBride 2018-06-18 A practical tool for legal professionals who wish to strengthen their skills in applying the European Convention on Human Rights and the case law of the European Court of Human Rights in their daily work This is the second and expanded edition of a handbook intended to assist judges, lawyers and prosecutors in taking account of the requirements of the European Convention on Human Rights and its Protocols ("the European Convention") - and more particularly of the case law of the European Court of Human Rights - when interpreting and applying codes of criminal procedure and comparable or related legislation. It does so by providing extracts from key rulings of the European Court and the former European Commission of Human Rights that have determined applications complaining about one or more violations of the European Convention in the course of the investigation, prosecution and trial of alleged offences, as well as in the course of appellate and various other proceedings linked to the criminal process.

The European Convention on Human Rights William A. Schabas 2015-09-24 The European Convention on Human Rights: A Commentary is the first complete article-by-article commentary on the ECHR and its Protocols in English. This book provides an entry point for every part of the Convention: the substance of the rights, the workings of the Court, and the enforcement of its judgments. A separate chapter is devoted to each distinct provision or article of the Convention as well as to Protocols 1, 4, 6, 7, 12, 13, and 16, which have not been incorporated in the Convention itself and remain applicable to

present law. Each chapter contains: a short introduction placing the provision within the context of international human rights law more generally; a review of the drafting history or preparatory work of the provision; a discussion of the interpretation of the text and the legal issues, with references to the case law of the European Court of Human Rights and the European Commission on Human Rights; and a selective bibliography on the provision. Through a thorough review of the ECHR this commentary is both exhaustive and concise. It is an accessible resource that is ideal for lawyers, students, journalists, and others with an interest in the world's most successful human rights regime.

Human Rights in the Council of Europe and the European Union Steven Greer 2018-03-29

Confusion about the differences between the Council of Europe (the parent body of the European Court of Human Rights) and the European Union is commonplace amongst the general public. It even affects some lawyers, jurists, social scientists and students. This book will enable the reader to distinguish clearly between those human rights norms which originate in the Council of Europe and those which derive from the EU, vital for anyone interested in human rights in Europe and in the UK as it prepares to leave the EU. The main achievements of relevant institutions include securing minimum standards across the continent as they deal with increasing expansion, complexity, multidimensionality, and interpenetration of their human rights activities. The authors also identify the central challenges, particularly for the UK in the post-Brexit era, where the components of each system need to be carefully distinguished and disentangled.

The implementation of judgments of the European Court of Human Rights Council of Europe 2018-01-17 Delays in implementing the Court's judgments, lack of political will in certain states parties, attempts to discredit the Court... In ratifying the European Convention on Human Rights, the signatory states accept the Court's jurisdiction and authority and "undertake to abide by the final judgment of the Court in any case to which they are parties" (Article 46 of the Convention). While certain member states have made real progress in

implementing the judgments of the European Court of Human Rights, some others face serious structural and political problems forming real "pockets of resistance" that delay or prevent the execution of judgments. The Committee of Ministers is still supervising the execution of some 10 000 judgments, although they are not all at the same stage of implementation. This publication highlights the difficulties in implementing certain judgments encountered in the 10 countries which have the highest number of non-implemented judgments against them (Italy, the Russian Federation, Turkey, Ukraine, Romania, Hungary, Greece, Bulgaria, the Republic of Moldova and Poland). It also analyses judgments whose execution raises complex political issues.

Casebook on European fair trial standards in administrative justice Arman Zrvandyan 2016-12-01 Interest in administrative justice and the judicial review of administrative acts has been growing in many countries recently, including many Council of Europe member states. At the core of an accountable and transparent administration is the right to effectively challenge acts and decisions that affect civil rights and obligations, and the daily life of individuals. Effective means of redress against administrative decisions require a functioning system of administrative justice that provides fair trial guarantees. An administrative process should be public, held within a reasonable time, undertaken by an independent and impartial tribunal established by law and result in an enforceable judgment that is pronounced publicly. This casebook, the first of its kind, provides a systematic and accessible overview of what administrative justice means for Council of Europe member states. The case law of the European Court of Human Rights on the right to a fair trial is described and analysed as it relates to administrative proceedings. It is the hope of the Council of Europe and the Folke Bernadotte Academy that this casebook will help practitioners in the field of administrative justice to ensure fair trial standards and their principles applicable under Article 6, paragraph 1, of the European Convention on Human Rights are respected and, by doing so, further strengthen the rule of law and the accountability and transparency of public administration and

administrative justice in the member states of the Council of Europe.

Implementation of the European Convention on Human Rights and of the Judgments of the ECtHR in National Case-law Janneke Gerards 2014 This book questions the correctness of these assumptions and aims for further study of them. This is done by disentangling and illuminating the different elements underlying the interrelationship between the Court and the national courts. The objective is to distinguish between the requirements set by the Court; the constitutional powers and competences of national courts to interpret and apply international law, in particular the Convention; the way in which these courts actually use these competences to deal with the Court's interpretative approaches; and the type of criticism that is levelled at the Court's case-law. These elements are studied from the perspective of the Court as well as from a national perspective, in particular for Belgium, France, Germany, the Netherlands, Sweden and the United Kingdom. Analysing these elements separately enables a fruitful assessment of their interrelationship and provides a sound basis for a constructive debate on the implementation of the Convention in national law, which is based on solid constitutional foundations rather than assumptions and intuitions. The current book is therefore of great interest to those who are interested in debates on the interrelationship between the Court and the states - scholars, as well as judges, policy makers and politicians - but also to those who take a more general interest in constitutional implementation mechanisms, judicial powers and judicial argumentation.

The Execution of Strasbourg and Geneva Human Rights Decisions in the National Legal Order M.L. van Emmerik 2021-09-27 In practice and legal doctrine, little attention has so far been paid to the position of the applicant who has taken the long road to the European Court of Human Rights (Strasbourg) or a UN Human Rights Committee (Geneva) and finally won his/her case there. Does he or she see any improvement in his/her position? Does the applicant obtain real reparation? The purpose of this book is to demonstrate how individual case decisions from Strasbourg and Geneva are

implemented in the national legal order. Is there a need for improving this implementation, and if so, how can such an improvement be achieved? In this volume several legal practitioners and scholars deal with the issue of the execution of human rights decisions in the national legal order from different perspectives. Emphasis is laid on the execution of Strasbourg decisions in the Dutch legal order, but solutions in other Council of Europe member states are also discussed. The book is intended for lawyers having a special interest in human rights, both at the national and international level.

Taking a Case to the European Court of Human Rights Philip Leach 2011-08-11 Previous editions published : 2nd (2005) and 1st (2001).

The Pilot-Judgment Procedure of the European Court of Human Rights Dominik Haider 2013-03-28 In The Pilot-Judgment Procedure of the European Court of Human Rights Dominik Haider examines if this recent approach to tackle structural human rights deficiencies in member states is reconcilable with the European Convention on Human Rights.

The Construction of Fatherhood Alice Margaria 2021-02-11 This book tackles one of the most topical socio-legal issues of today: how the law - in particular, the European Court of Human Rights - is responding to shifting practices and ideas of fatherhood in a world that offers radical possibilities for the fragmentation of the conventional father figure and therefore urges decisions upon what kind of characteristics makes someone a legal father. It explores the Court's reaction to changing family and, more specifically, fatherhood realities. In so doing, it engages in timely conversations about the rights and responsibilities of men as fathers. By tracing values and assumptions underpinning the Court's views on fatherhood, this book contributes to highlight the expressive powers of the ECtHR and, more specifically, the latter's role in producing and legitimising ideas about parenting and, more generally, in influencing how family life is regulated and organised.

Just Satisfaction under the European Convention on Human Rights Octavian Ichim 2015 The most comprehensive account on the question of reparation before a human rights court.

The Impact of the European Convention on

Human Rights on Private International Law
Louwrens R. Kiestra 2014-09-11 In this book the interaction between the rights guaranteed in the European Convention of Human Rights (ECHR) and private international law has been analysed by examining the case law of the European Court of Human Rights (the Court) and selected national courts. In doing so the book focuses on the impact of the ECHR on the three main issues of private international law: jurisdiction, applicable law and the recognition and enforcement of foreign judgments. Next to a list of cases consulted and a comprehensive bibliography, the book offers brief introductions to PIL and the ECHR for readers who are less familiar with either of the topics. This makes the book not only a valuable tool for specialists and practitioners in the fields covered, but at the same time a well-documented basis for students and starting researchers specializing in either or both directions.

Supervision of the Execution of the Judgments of the European Court of Human Rights 2009

Effective Domestic Remedies and the European Court of Human Rights Michael Reiertsen 2022-08-25 In *Malone v. UK* (Plenary 1984), the right to an effective domestic remedy in the European Convention on Human Rights Article 13 was famously described as one of the most obscure clauses in the Convention. Since then, the European Court of Human Rights has reinforced the scope and application of the right. Through an analysis of virtually all of the Court's judgments concerning Article 13, the book exhaustively accounts for the development and current scope and content of the right. The book also provides normative recommendations on how the Court could further develop the right, most notably how it could be a tool to regulate the relationship between domestic and international protection of human rights. In doing so, the book situates itself within larger debates on the enforcement of the entire Convention such as the principle of subsidiarity and the procedural turn in the Court's case law.

The European Court of Human Rights in Facts and Figures 2010 The importance of the European Court of Human Rights in the European judicial area and its influence beyond Europe's borders are indisputable. For over fifty years the Court's rulings have resulted in

numerous changes to legislation and have helped strengthen the rule of law in the countries of wider Europe. This publication presents the Court's activities through country factsheets but also using a thematic approach based on the articles of the European Convention on Human Rights.

The European Court of Human Rights Helmut P. Aust 2021-04-30 This insightful book considers how the European Court of Human Rights (ECHR) is faced with numerous challenges which emanate from authoritarian and populist tendencies arising across its member states. It argues that it is now time to reassess how the ECHR responds to such challenges to the protection of human rights in the light of its historical origins.

Facciolini, Marchetti, Ma.C., Della Sala, Capecchi, Grignano, Rizzo, Cacciola, Piccinini, M.C.C. c. Italie European Court of Human Rights 1997

European Court of Human Rights Dia Anagnostou 2013-04-22 Since the turn of the millennium, the European Court of Human Rights has been the transnational setting for a European-wide 'rights revolution'. One of the most remarkable characteristics of the European Convention of Human Rights and its highly acclaimed judicial tribunal in Strasbourg is the extensive obligations of the contracting states to give observable effect to its judgments. Dia Anagnostou explores the domestic execution of the European Court of Human Rights' judgments and dissects the variable patterns of implementation within and across states. She relates how marginalised individuals, civil society and minority actors strategically take recourse in the Strasbourg Court to challenge state laws, policies and practices. These bottom-up dynamics influencing the domestic implementation of human rights have been little explored in the scholarly literature until now. By adopting an inter-disciplinary perspective, Anagnostou goes beyond the existing studies--mainly legal and descriptive--and contributes to the flourishing scholarship on human rights, courts and legal processes, and their consequences for national politics.

Responding to Systemic Human Rights Violations Philip Leach 2010 As a response to widespread structural or endemic human rights

violations, in 2004 the European Court began to issue pilot judgments, the aim of which was not only to exert further pressure on national authorities to tackle systemic problems, but also to stop the European Court itself being inundated with the same types of cases. This analyses the principal characteristics of the pilot judgment procedure and its application in key cases to date.

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.

Protocol No. 11 to the Convention for the Protection of Human Rights and Fundamental Freedoms, Restructuring the Control Machinery Established Thereby Council of Europe
1994-01-01

The individual application under the European Convention on Human Rights

Linou-Alexandre Sicilianos 2019-06-27 An indispensable practical guide for any potential applicant and any legal professional This book, which is a practical guide aimed at both professional lawyers and potential applicants, clearly and comprehensively describes and analyses the main stages in the processing of an application before the organs of the European Convention on Human Rights. Detailed descriptions are provided of the Convention system, the Rules of the European Court of Human Rights and the procedures which the Court has developed to expedite and optimise case processing. Crafted by two specialists on the Convention, Linou-Alexandre Sicilianos, the current President of the European Court of Human Rights, and Maria-Andriani Kostopoulou, a lawyer at the Greek Court of Cassation, the book does not merely explain how to prepare and lodge an application, in particular as regards the formal requirements and admissibility criteria; it also presents a detailed assessment of a case by the various formations of the Court, covering all stages right through to the conclusion of proceedings. Finally, having analysed the judicial stage, the book goes on to describe the procedure for supervision of the execution of judgments before the Committee of Ministers of the Council of Europe.

The European Court of Human Rights Angelika Nussberger 2020 Nussberger traces the history of the European Court of Human Rights from its political context in the 1940s to the present day, answering pressing questions about its origins and workings. This first book in the Elements of International Law series, provides a fresh, objective, and non-argumentative approach to the European Court of Human Rights.

The Inter-State Application under the European Convention on Human Rights Isabella Risini 2018-05-09 The comprehensive analysis about the Inter-State Application under the ECHR by Isabella Risini fills a gap in the literature. The study provides an informed proposal to strengthen the protection of human rights in Europe and the role of the Court.

Judgments of the European Court of Human Rights - Effects and Implementation Anja Seibert-Fohr 2014

The Oxford Handbook of International Adjudication Cesare PR Romano 2014-01-16 The

post-Cold War proliferation of international adjudicatory bodies and increase in litigation has greatly affected international law and politics. A growing number of international courts and tribunals, exercising jurisdiction over international crimes and sundry international disputes, have become, in some respects, the lynchpin of the international legal system. The Oxford Handbook of International Adjudication charts the transformations in international adjudication that took place astride the twentieth and twenty-first century, bringing together the insight of 47 prominent legal, philosophical, ethical, political, and social science scholars. Overall, the 40 contributions in this Handbook provide an original and comprehensive understanding of the various contemporary forms of international adjudication. The Handbook is divided into six parts. Part I provides an overview of the origins and evolution of international adjudicatory bodies, from the nineteenth century to the present, highlighting the dynamics driving the multiplication of international adjudicative bodies and their uneven expansion. Part II analyses the main families of international adjudicative bodies, providing a detailed study of state-to-state, criminal, human rights, regional economic, and administrative courts and tribunals, as well as arbitral tribunals and international compensation bodies. Part III lays out the theoretical approaches to international adjudication, including those of law, political science, sociology, and philosophy. Part IV examines some contemporary issues in international adjudication, including the behavior, role, and effectiveness of international judges and the political constraints that restrict their function, as well as the making of international law by international courts and tribunals, the relationship between international and domestic adjudicators, the election and selection of judges, the development of judicial ethical standards, and the financing of international courts. Part V examines key actors in international adjudication, including international judges, legal counsel, international prosecutors, and registrars. Finally, Part VI overviews select legal and procedural issues facing international adjudication, such as evidence, fact-finding and experts, jurisdiction

and admissibility, the role of third parties, inherent powers, and remedies. The Handbook is an invaluable and thought-provoking resource for scholars and students of international law and political science, as well as for legal practitioners at international courts and tribunals.

The Implementation of Judgments of the European Court of Human Rights 2017

Remedies against Immunity? Valentina Volpe
2021-04-08 The open access book examines the consequences of the Italian Constitutional Court's Judgment 238/2014 which denied the German Republic's immunity from civil jurisdiction over claims to reparations for Nazi crimes committed during World War II. This landmark decision created a range of currently unresolved legal problems and controversies which continue to burden the political and diplomatic relationship between Germany and Italy. The judgment has wide repercussions for core concepts of international law and for the relationship between different legal orders. The book's three interlinked legal themes are state immunity, reparation for serious human rights violations and war crimes (including historical ones), and the interaction between international and domestic institutions, notably courts. Besides a meticulous legal analysis of these themes from the perspectives of international law, European law, and domestic law, the book contributes to the civic debate on the issue of war crimes and reparation for the victims of armed conflict. It proposes concrete legal and political solutions to the parties involved for overcoming the present paralysis with a view to a sustainable interstate conflict solution and helps judges directly involved in the pending post-Sentenza reparation cases. After an Introduction (Part I), Part II, Immunity, investigates core international law concepts such as those of pre/post-judgment immunity and international state responsibility. Part III, Remedies, examines the tension between state immunity and the right to remedy and suggests original schemes for solving the conundrum under international law. Part IV adds European Perspectives by showcasing relevant regional examples of legal cooperation and judicial dialogue. Part V, Courts, addresses questions on the role of judges in the areas of immunity and

human rights at both the national and international level. Part VI, Negotiations, suggests concrete ways out of the impasse with a forward-looking aspiration. In Part VII, The Past and Future of Remedies, a sitting judge in the Court that decided *Sentenza 238/2014* adds some critical reflections on the Judgment. Joseph H. H. Weiler's *Dialogical Epilogue* concludes the volume by placing the main findings of the book in a wider European and international law perspective.

Remedies for Human Rights Violations Kent Roach 2021-04-08 Justifies a two-track approach that includes individual and systemic remedies in both domestic and international human rights law.

From Final Judgment to Final Resolution

Satu Heikkilä 2018

Publications de la Cour européenne des droits de l'homme European Court of Human Rights 1968

European Court Of Human Rights Remedies And Execution Of Judgments

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