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Principles Of Human Rights Adjudication

C. A. Gearty



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Principles of Human Rights Adjudication C. A. Gearty, 2004 This book takes a fresh look at the place of the Human Rights Act in Britain's constitutional order Principled Reasoning in Human Rights Adjudication Se-shauna Wheatle, 2017-04-20 Implied constitutional principles form part of the landscape of the development of fundamental rights in common law jurisdictions affecting issues ranging from the remuneration of judges to the appropriation of property by the state Principled Reasoning in Human Rights Adjudication offers thematic analysis of the use of the implied constitutional principles of the rule of law and separation of powers in human rights cases The book examines the functions played by those principles in rights adjudication in Australia Canada the Commonwealth Caribbean and the United Kingdom It argues that a complete understanding of implied constitutional principles requires thoroughgoing analysis of the sources and methods of implication and of the specific roles played by such principles in the adjudicative process By disaggregating particular functions and placing those functions within their respective institutional contexts this book develops an understanding of the features of cases in which implied constitutional principles are invoked and the work done by those principles

Accountability in the Contemporary Constitution Nicholas Bamforth, Peter Leyland, 2013-09 Accountability in the context of constitutional and administrative law is a complex concept This book examines the legal framework of public institutions in light of contemporary accountability debates the role of human rights in public accountability accountability in regulation and the operation of accountability in multi layered government **Criminal Evidence and Human Rights** Paul Roberts, Jill Hunter, 2012-05-18 Criminal procedure in the common law world is being recast in the image of human rights The cumulative impact of human rights laws both international and domestic presages a revolution in common law procedural traditions Comprising 16 essays plus the editors thematic introduction this volume explores various aspects of the human rights revolution in criminal evidence and procedure in Australia Canada England and Wales Hong Kong Malaysia New Zealand Northern Ireland the Republic of Ireland Singapore Scotland South Africa and the USA The contributors provide expert evaluations of their own domestic law and practice with frequent reference to comparative experiences in other jurisdictions Some essays focus on specific topics such as evidence obtained by torture the presumption of innocence hearsay the privilege against self incrimination and rape shield laws Others seek to draw more general lessons about the context of law reform the epistemic demands of the right to a fair trial the domestic impact of supra national legal standards especially the ECHR and the scope for reimagining common law procedures through the medium of human rights This edited collection showcases the latest theoretically informed methodologically astute and doctrinally rigorous scholarship in criminal procedure and evidence human rights and comparative law and will be a major addition to the literature in all of these fields

General Principles of the European Convention on Human Rights Janneke Gerards, 2023-07-13 The European Convention on Human Rights is one of the world's most important and influential human rights documents It owes its value mainly to the

European Court of Human Rights which applies the Convention rights in individual cases This book offers insight into the concepts and principles that are key to understanding the European Convention and the Court's case law It explains how the Court approaches its cases and its decision making process illustrated by numerous examples taken from the Court's judgments Core issues discussed include types of Convention rights such as absolute rights the structure of the Court's Convention rights review principles and methods of interpretation such as common ground interpretation and the use of precedent positive and negative obligations vertical and horizontal effect the margin of appreciation doctrine and the requirements for the restriction of Convention rights Public Law after the Human Rights Act Tom Hickman, 2010-05-20 It is remarkable that 10 years after the Human Rights Act came into effect and with further reform possible there are still no clear answers to basic questions about the relationship between the Human Rights Act human rights principles and the common law Such basic questions include what is the Human Rights Act What is the relationship between human rights principles and common law doctrines in public law Do traditional public law principles need to be replaced How has the Human Rights Act altered the constitutional relationship between the courts government and Parliament in the UK Public Law After the Human Rights Act proposes answers to these questions Unlike other books on the Human Rights Act the book looks beyond the Human Rights Act itself to its effect on public law as a whole The book articulates in novel ways the relationship between the Act and administrative and constitutional law It suggests that the Human Rights Act has built on the common law constitution The discussion focuses on core topics in modern public law including the constitutional status of the Human Rights Act the relationship between human rights and the common law the Human Rights Act's effect on central doctrines of public law such as reasonableness proportionality and process review the structure of public law in the human rights era derogation and emergencies and the right of access to a court Winner of the Inner Temple Young Author Book Prize 2011 **Concentrate Questions and Answers Human Rights and Civil Liberties** Steve Foster, 2018-07-26 The Concentrate Q the content is exceptional Wendy Chinenye Akaigwe London Metropolitan University I would not hesitate to recommend this book to a friend Blessing Denhere Coventry University *Proportionality and Deference Under the UK Human Rights Act* Alan D. P. Brady, 2012-05-03 A rigorous analysis of the relationship between proportionality and deference under the Human Rights Act The End of Human Rights Costas Douzinas, 2000-06-01 The introduction of the Human Rights Act has led to an explosion in books on human rights yet no sustained examination of their history and philosophy exists in the burgeoning literature At the same time while human rights have triumphed on the world stage as the ideology of postmodernity our age has witnessed more violations of human rights than any previous less enlightened one This book fills the historical and theoretical gap and explores the powerful promises and disturbing paradoxes of human rights Divided in two parts and fourteen chapters the book offers first an alternative history of natural law in which natural rights represent the eternal human struggle to resist domination and oppression and to fight for a society in which people are no longer

degraded or despised At the time of their birth in the 18th century and again in the popular uprisings of the last decade human rights became the dominant critique of the conservatism of law But the radical energy symbolic value and apparently endless expansive potential of rights has led to their adoption both by governments wishing to justify their policies on moral grounds and by individuals fighting for the public recognition of private desires and has undermined their ends Part Two examines the philosophical logic of rights Rights the most liberal of institutions has been largely misunderstood by established political philosophy and jurisprudence as a result of their cognitive limitations and ethically impoverished views of the individual subject and of the social bond The liberal approaches of Hobbes Locke and Kant are juxtaposed to the classical critiques of the concept of human rights by Burke Hegel and Marx The philosophies of Heidegger Strauss Arendt and Sartre are used to deconstruct the concept of the legal subject Semiotics and psychoanalysis help explore the catastrophic consequences of both universalists and cultural relativists when they become convinced about their correctness Finally through a consideration of the ethics of otherness and with reference to recent human rights violations it is argued that the end of human rights is to judge law and politics from a position of moral transcendence This is a comprehensive historical and theoretical examination of the discourse and practice of human rights Using examples from recent moral foreign policies in Iraq Rwanda and Kosovo Douzinas radically argues that the defensive and emancipatory role of human rights will come to an end if we do not re invent their utopian ideal

Human Rights Law Merris Amos, 2021-07-15 This textbook comprehensively examines and analyses the interpretation and application of the United Kingdom s Human Rights Act 1998 The third edition has been fully updated to include the last seven years of case law Part I covers key procedural issues including the background to the Act the relationship between UK courts and the European Court of Human Rights the definition of victim and public authority determining incompatibility including deference and proportionality the impact of the Act on primary legislation and damages and other remedies for the violation of Convention rights In Part II of the book the Convention rights as interpreted and applied by United Kingdom courts are examined in detail All of the key Convention rights are discussed including the right to life freedom from torture and inhuman or degrading treatment or punishment the right to liberty fair trial the rights to private life family life and home freedom of religion and belief freedom of expression the right to peaceful enjoyment of possessions and the right to freedom from discrimination in the enjoyment of Convention rights The third edition of Human Rights Law will be invaluable for those teaching studying and practising in the areas of United Kingdom human rights law constitutional law and administrative law

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