

## The Eu And Human Rights

Human Rights in BusinessEU Consumer Law and Human RightsResearch Handbook on EU Law and Human RightsHuman Rights Law in EuropeThe European Union and Human RightsEuropean Union Human Rights LawGeneral Principles of the European Convention on Human RightsEU Human Rights PoliciesProtecting Human Rights in the EUFundamental Rights Challenges in Border Controls and Expulsion of Irregular Immigrants in the European UnionEuropean Union's Approach to Human Rights Conditionality in PracticeHuman Rights and Taxation in Europe and the WorldHuman Rights Norms in 'Other' International CourtsThe Governance of EU Fundamental RightsThe EU and Human RightsEU Human Rights, International Investment Law and ParticipationFundamental Rights in EuropeHuman Rights Conditionality in the EU's International AgreementsEu Human Rights and Democratization PoliciesThe Right to Family Life in the European UnionThe EU's Human Rights Dialogue with ChinaThe Human Rights of Migrants in European LawThe European Union and Human RightsThe Accession of the European Union to the European Convention on Human RightsHuman Rights Monitoring Mechanisms of the Council of EuropeHuman Rights in the Council of Europe and the European UnionThe EU as a 'Global Player' in Human Rights?Fundamental Rights in the EUEU Competition Enforcement and Human RightsThe European Union Returns Directive and Its Compatibility with International Human Rights LawMultinational Enterprises and Human RightsEuropean Civil Society and Human Rights AdvocacyHuman Rights Act 1998Business and Human Rights in EuropeShifting Centres of Gravity in Human Rights ProtectionThe European Union as a Diplomatic ActorBalancing Human Rights, Environmental Protection and International TradeFrontex and Human RightsHuman Rights Law and Evidence-Based PolicyEuropean Union Health Law

### Human Rights in Business

Exploring the main developments and challenges for the right to family life in the context of European integration, this book examines the right to family life in the EU Charter of Fundamental Rights and the interplay between family life, citizenship, and free movement; it analyzes the combined impact of the EU and the European Convention on Human Rights on the concept of the family protected by the law in light of recent case law. Considering the broadening understanding of what constitutes family, the challenges for the right to family life in the context of immigration, and the protection of families and social rights it provides a comprehensive overview of the current state of family life in the European Union.

### EU Consumer Law and Human Rights

The EU Fundamental Rights Agency (FRA) was established to provide evidence-based policy advice to EU institutions and Member States. By blending social science research with traditional normative work, it aims to influence human rights policy processes through new ways of framing empirical realities. The contributors to this volume critically examine the experience of the Agency in its first decade, exploring FRA's historical, political and legal foundations and its evolving record across major strands of EU fundamental rights. Central themes arising from these

chapters include consideration of how the Agency manages the tension between a mandate to advise and the more traditional approach of human rights bodies to 'monitor', and how its research impacts the delicate equilibrium between these two contesting roles. FRA's experience as the first 'embedded' human rights agency is also highlighted, suggesting a role for alternative and less oppositional orientations for human rights research. While authors observe the benefits of the technocratic approach to human rights research that is a hallmark of FRA's evidence-based policy advice, they also note its constraints. FRA's policy work requires a continued awareness of political realities in Brussels, Member States, and civil society. Consequently, the complex process of determining the Agency's research agenda reflects the strategic priorities of key actors. This is an important factor in the Agency's role in the EU human rights landscape. This pioneering position of the Agency should invite reflection on new forms of institutionalized human rights research for the future.

### **Research Handbook on EU Law and Human Rights**

Human rights are much talked about and much written about, in academic legal literature as well as in political and other social sciences and the general political debate. This book argues that the universality of basic human rights is one of the values of the concept of rights. It points out the risk of a certain "inflation" caused by the current habit of talking so much and so often about human rights and of using them as a basis for claims of various kinds. These rights, their understanding and interpretation may need to become more "purist" to ensure that universal human rights as a concept survive. Another chapter concentrates on the analysis of the frames of "EU protected human rights" from the perspective of effective implementation. Further, the book not only deals with the complicated relations between the EU and international law, but also seeks to show the horizontal effect. To that end, the fears and hopes of the member states and interest groups are categorized and commented on. Lastly, the gaps in theory and practice are addressed, current trends related to implementation are pointed out, and suggestions are made concerning how to make the best out of the Charter.

### **Human Rights Law in Europe**

Examines the role and impact of human rights norms in international courts other than human rights courts

### **The European Union and Human Rights**

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.

### **European Union Human Rights Law**

This book represents the first attempt to examine how EU fundamental rights are protected and enforced by EU governing bodies.

### **General Principles of the European Convention on Human Rights**

. . . Arianna Andreangeli s book can be strongly recommended. Academics and practitioners active in the field of competition law, EU law and human rights will certainly find much of interest in this book. Volker Soyez, European Competition Law Review This book is well structured and well written. . . The volume represents an important contribution to the existing legal literature on fundamental rights protection in the EU legal order from a competition law perspective. Giacomo Di Federico, Common Market Law Review This book discusses the procedural rights enjoyed by those being investigated under Articles 81 and 82 of the EC Treaty and of the Merger Control Regulation, and their right to challenge the Commission s decision in the Community Courts. It further assesses how their rights to due process in competition proceedings before the European Commission comply with the notion of administrative fairness enshrined in the European Convention on Human Rights, in accordance with the case law of the European Court of Human Rights. In this study, Arianna Andreangeli takes into account key developments such as modernisation and its impact on competition proceedings before the Commission, the debate on the principles of legal professional privilege, the protection against self incrimination, the rule of ne bis in idem and the possibility of establishing an EU competition court . It offers an examination of the right to be heard, the right to have access to the Commission-held evidence, and to legal professional privilege, and the right to silence and to seek judicial review of Commission decisions and assess them in the light of the Strasbourg court s case law. Academics active in the area of competition law, EU law and human rights, as well as practitioners active in the area of competition law will find much to interest them in this book.

### **EU Human Rights Policies**

This volume contains EU-related health legislation relevant to legal training programs on EU law and healthcare. Despite the availability of numerous handbooks, a collection of EU legislation on health has been missing. The book includes relevant treaty law provisions and secondary legislation (abridged) on health or health-related norms, clustered as: EU treaty law \* human rights and health \* public health \* patient safety \* consumer protection \* patient mobility \* mobility of health professionals \* pharmaceuticals \* medical devices \* data protection \* insurance \* competition law.

### **Protecting Human Rights in the EU**

This collection joins the new and expanding scholarship on the protection of fundamental rights in Europe and reflects on the relationship between the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECtHR). The book questions whether the changes introduced by the Lisbon Treaty align the CJEU to the ECtHR's interpretation and methods, triggering different processes of institutionalisation within a coherent European system. These issues are explored through a contextual analysis of areas of law such as equality rights in employment law, citizenship and migration, internet law and access to justice. This volume includes perspectives from the scholarly community as well as practitioners, judges and European policy makers. It also examines the state of accession of the EU to the European Convention on Human Rights (ECHR) and considers the legal implications of the interactions of the two courts for the protection of the fundamental rights of EU citizens and individuals legally residing in Europe. The volume is essential reading for practitioners, judges, European policy makers and members of the scholarly community working in this area of law.

### **Fundamental Rights Challenges in Border Controls and Expulsion of Irregular Immigrants in the European Union**

This book provides analysis and critique of the dual protection of human rights in Europe by assessing the developing legal relationship between the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECtHR). The book offers a comprehensive consideration of the institutional framework, adjudicatory approaches, and the protection of material rights within the law of the European Union and the European Convention on Human Rights (ECHR). It particularly explores the involvement and participation of stakeholders in the functioning of the EU and the ECtHR, and asks how well the new legal model of 'the EU under the ECtHR' compares to current EU law, the ECHR and general international law. Including contributions from leading scholars in the field, each chapter sets out specific case-studies that illustrate the tensions and synergies emergent from the EU-ECHR relationship. In so doing, the book highlights the overlap and dialectic between Europe's two primary international courts. The book will be of great interest to students and researchers of European Law and Human Rights.

### **European Union's Approach to Human Rights Conditionality in Practice**

The place of human rights in EU law has been a central issue in contemporary debates about the character of the European Union as a political organisation. This comprehensive and timely Handbook explores the principles underlying the development of fundamental rights norms and the way such norms operate in the case law of the Court of Justice. Leading scholars in the field discuss both the effect of rights on substantive areas of EU law and the role of EU institutions in protecting them.

### **Human Rights and Taxation in Europe and the World**

The book studies the human rights monitoring mechanisms of the Council of Europe. It provides an in-depth examination of six such mechanisms: the Commissioner for Human Rights, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (the CPT), the European Committee of Social Rights (the ECSR), the Advisory Committee on the Framework Convention for the Protection of National Minorities (the ACFC), the European Commission against Racism and Intolerance (ECRI) and the Committee of Experts of the European Charter for Regional or Minority Languages (the CECL). The human rights monitoring mechanisms of the Council of Europe seek to establish a permanent dialogue with governments to encourage them to better implement human rights treaties. They function principally through the use of national reports, on which basis they make recommendations, and may also visit or question states directly. The book looks at each mechanism in turn, discussing their composition, functions and working methods, as well as their relationship with other actors. It includes both a general discussion of the role of European human rights monitoring mechanisms as well as a comparative analysis of these mechanisms. The book aims to provide a clear understanding of the underlying approach of European human rights monitoring mechanisms and the challenges faced by them in terms of effectiveness. It will be useful for practitioners and students alike, especially those following courses in human rights or related fields.

### **Human Rights Norms in 'Other' International Courts**

This well-researched book examines how the European Union could do more to ensure that EU-based multinational enterprises (MNEs) respect human rights when operating in third world countries. Alexandra Gatto identifies the primary obligations of MNEs as developed by international law, and investigates how the EU has promoted the respect of human rights obligations by the MNEs to date. The significant gap between the EU's commitment to the respect and promotion of human rights, the potential to regulate the conduct of MNEs, and the EU's reluctance to impose human rights obligations on MNEs, is thoroughly explored. It is suggested that the current human rights law should be developed, and this timely book recommends that the EU should firmly link the promotion of MNEs human rights obligations to international human rights law, thereby supporting the constitution of an international law framework within the UN. *Multinational Enterprises and Human Rights* will be of very great interest to scholars of EU or international human rights as well as NGOs and policymakers in international organizations and corporations that support corporate social responsibility and human rights.

### **The Governance of EU Fundamental Rights**

The EU's human rights policies are plagued by double standards: it applies radically different approaches in its external and internal operations. In this book, Andrew Williams reveals the nature and scope of this bifurcation and the resultant discrimination, and argues that the ironical condition revealed undermines both the EU's commitment to human rights and its moral credibility.

### **The EU and Human Rights**

Since the early 1990s, the European Union has included human rights conditionality clauses in its association agreements and other international trade and cooperation agreements. The purpose of these clauses is to entitle a party to take appropriate measures, including suspension of the agreement, in the event that the other party violates human rights or democratic principles. This book provides an account of the evolution of these clauses, their scope and their operation, and analyses the EU's responsibility, under international law, to implement these clauses domestically. Based on this examination, the book explores the extent to which the EU has the legislative competence to include such clauses in its international agreements, and concludes by considering the implications of ultra vires agreements in EU law. This study offers theoretical insights into aspects of international law as well as EU constitutional and external relations law. Its practical conclusions have major implications not only for the application of human rights clauses, but also for the EU's international treaty practice more generally. Dr Lorand Bartels brings his expertise in international law to this engaging discussion of the EU's use of human rights conditionality in its international agreements.

### **EU Human Rights, International Investment Law and Participation**

Transnational business activities are important drivers of growth for developing and the least developed countries. However, they can also negatively impact the enjoyment of human rights. In some cases, multinational enterprises (MNEs) have even been accused of grave human rights abuses in the territory of the states where their subsidiaries operate. Since the parent companies of many MNEs are incorporated under the law of European states, those countries' domestic law and the European legal framework play a crucial role in establishing how their activities should be conducted - also throughout their supply chains - and which remedies will be available when corporate human rights violations occur. In recent years, the European Union, the Council of Europe and their Member States have been adopting policies and legislation to ensure respect for human rights by businesses and have developed a body of related case law. These legal instruments can be considered the European responses to the challenges posed at international-law level, and they constitute the focus of research of this book. Through its collected chapters - written by scholars and practitioners under the direction of the editor, Angelica Bonfanti - the book identifies the European solutions to the business and human rights international legal issues, provides an overall assessment of their effectiveness, and examines their potential evolution.

### **Fundamental Rights in Europe**

The Human Rights Act 1998 has possibly had the biggest impact on the Scottish legal system, other than the Scotland Act itself, in recent history. This text contains an annotated copy of the Act

### **Human Rights Conditionality in the EU's International Agreements**

The European Union's jurisprudence is responsible for a complex body of human rights law which pursues a busy, multi-tiered agenda and is essential for the lawful and the effective operation and development of the EU polity and its legal order. This in

### **Eu Human Rights and Democratization Policies**

Though the EU has tried to place human rights and democracy at the heart of its external action, there are serious concerns about its capacity to have a significant impact on the situation of human rights and human rights defenders as well as on the democratization processes taking place in different regions of the world. This edited volume sheds light on the achievements of EU policies and programmes in the field of human rights and democracy, also taking into account the challenges ahead. Analysing the changing global context's effect on the ability of the EU to have a meaningful impact in the field of human rights and democratization, it examines relevant policies and programmes of the EU to see their impact on the ground. Combining various methodologies, the authors examine primary agreements and other EU documents, secondary sources (such as evaluations of EU's policies and programmes) in the field of human rights and democracy promotion, and have interviewed EU officials, academics and other key stakeholders. From these, the book sheds light on specific programmes such as the EIDHR, the EOM and the EU Guidelines on Human Rights Defenders, illuminating the increasingly hostile environment to work for human rights and democracy in a number of countries. This text will be of key interest to scholars and students of EU human rights and law, to practitioners in Europe and beyond, and more broadly to EU studies, democracy studies and international relations.

### **The Right to Family Life in the European Union**

The Treaty of Lisbon has endowed the EU with a normative human rights framework that confirms recognition as a fully-fledged regional mechanism for the protection of human rights. The aim of this book is to contribute to the growing discussion of the external human rights dimension of the European Union. Its theme sits at the crossroads between International and EU law, Human Rights, and Political Science. In moving beyond well-covered topics such as the protection of human rights within the EU, or their relevance for the accession of new Member States, this book asks the broader question of whether EU human rights law has any real relevance on a global scale. In total, *The EU as a 'Global Player' in Human Rights* gives an overview of the international relevance of EU human rights law by means of exemplary case-studies of the EU's institutional and substantive protection of human rights, whilst consideration of non-European perspectives from China and Japan underline its global focus. This book will be of particular interest to researchers, students, and practitioners in International and European law, Human Rights Law, European studies and International Relations.

### **The EU's Human Rights Dialogue with China**

Traditionally, consumer law has played an instrumental role in the EU as a tool for market integration. There are now signs in the new EU legal framework and

jurisprudence that this may be changing. The Lisbon Treaty contains provisions affecting consumer law and, at the same time, it grants binding legal force to the EU Charter, which in turn adds a fundamental rights dimension to consumer protection. This evolution, however, is still at an early stage and may be thwarted by conflicting trends. Moreover, it may generate tensions between social objectives and economic goals. This book provides the first comprehensive analysis of these developments and examines new avenues that may be opening for consumer law, focusing on three key areas: financial services, electronic communication and access to justice. Through a systematic analysis of relevant cases, the book traces the development of a human rights dimension in consumer law and details the ramifications that the post-Lisbon legal framework may have on consumer protection and policy. This book concludes by proposing new directions in consumer law, striking a compromise between social and economic demands.

### **The Human Rights of Migrants in European Law**

This edited volume examines the extent to which the various authorities and actors currently performing border management and expulsion-related tasks are subject to accountability mechanisms capable of delivering effective remedies and justice for abuses suffered by migrants and asylum seekers. Member states of the European Union and State Parties to the Council of Europe are under the obligation to establish complaint mechanisms allowing immigrants and/or asylum seekers to seek effective remedies in cases where their rights are violated. This book sheds light on the complaint bodies and procedures existing and available in Austria, Greece, Hungary, Italy, Spain, Poland, and Romania. It assesses their role in overseeing, investigating, and redressing cases of human rights violations deriving from violent border and immigration management practices, and expedited expulsion procedures. This book therefore provides an assessment of the practical, legal, and procedural challenges that affect the possibility to lodge complaints and access remedies for human rights violations suffered at the hands of the law enforcement authorities and other security actors operating at land, air, and sea borders, or participating in expulsions procedures – in particular, joint return flights. The volume will be of key interest to students, scholars, and practitioners working on human rights, migration and borders, international law, European law and security studies, EU politics, and more broadly, international relations.

### **The European Union and Human Rights**

The European Union uses a confidential, institutionalized Dialogue to raise human rights concerns with China, but little is publicly known about its set-up, its substance, its development over time and its impact. This book provides the first detailed reconstruction and assessment of the EU's responses to human rights violations in China from 1995 to the present day. Using classified documents in the EU's historical archives and interviews with diplomats, officials and human rights experts in Europe, China and the United States, Kinzelbach lifts the veil of secrecy on the EU-China Human Rights Dialogue and provides a rare insight into how the European Union and China conduct quiet diplomacy on human rights. The book reconstructs the evolution of the Dialogue and the EU's internal debate on the merits of quiet diplomacy, and draws comparisons with the approach of other actors, notably that of the United States. In doing so, the EU's relative impact is

concluded to be tenuous if not counter-productive. The book also chronicles and analyzes numerous human rights concerns that were raised in the period, ranging from structural issues to individual cases. This ground-breaking, in-depth case study will be of interest to students and scholars of international politics, human rights, international law, EU politics, especially the EU's Common Foreign and Security Policy, and Chinese politics.

### **The Accession of the European Union to the European Convention on Human Rights**

Community Law, by Tamara Hervey.

### **Human Rights Monitoring Mechanisms of the Council of Europe**

After more than 30 years of discussion, negotiations between the Council of Europe and the European Union on the EU's accession to the European Convention on Human Rights have resulted in a Draft Accession Agreement. This will allow the EU to accede to the Convention within the next couple of years. As a consequence, the Union will become subject to the external judicial supervision of an international treaty regime. Individuals will also be entitled to submit applications against the Union, alleging that their fundamental rights have been violated by legal acts rooted in EU law, directly to the Strasbourg Court. As the first comprehensive monograph on this topic, this book examines the concerns for the EU's legal system in relation to accession and the question of whether and how accession and the system of human rights protection under the Convention can be effectively reconciled with the autonomy of EU law. It also takes into account how this objective can be attained without jeopardising the current system of individual human rights protection under the Convention. The main chapters deal with the legal status and rank of the Convention and the Accession Agreement within Union law after accession; the external review of EU law by Strasbourg and the potential subordination of the Luxembourg Court; the future of individual applications and the so-called co-respondent mechanism; the legal arrangement of inter-party cases after accession and the presumable clash of jurisdictions between Strasbourg and Luxembourg; and the interplay between the Convention's subsidiarity principle (the exhaustion of local remedies) and the prior involvement of the Luxembourg Court in EU-related cases. The analysis presented in this book comes at a crucial point in the history of European human rights law, offering a holistic and detailed enquiry into the EU's accession to the ECHR and how this move can be reconciled with the autonomy of EU law.

### **Human Rights in the Council of Europe and the European Union**

The book assesses the EU Returns Directive against international human rights norms and standards. Izabella Majcher explores protection gaps in the EU return policy and highlights how the provisions of the Directive should be implemented in line with member states' human rights obligations. Informed by this assessment, the book discusses draft amendments to the Directive, proposed by the European Commission in September 2018.

## **The EU as a 'Global Player' in Human Rights?**

This book analyses the allocation of responsibility for human rights violations that occur in the context of border control or return operations coordinated by Frontex. The analysis is conducted in three parts. The first part examines the detailed roles and powers of Frontex and the states involved during joint operations, focussing on the decision-making processes and chains of command. The second and third parts develop general rules that govern the allocation of responsibility under public international law, ECHR law, and EU non-contractual liability law in order to apply them to Frontex operations. To illustrate the practical implications of the findings, the study uses four hypothetical scenarios that are based on situations that have in the past given rise to human rights concerns. The book concludes that whilst responsibility for most human rights violations lies with the host state of an operation, it often shares this responsibility with participating states who contribute large assets as well as Frontex. However, the book also exposes how difficult it is for individuals to find a place for bringing complaints against violations of their human rights suffered at the EU's external borders. This casts doubts on whether the current legal framework offers them an effective remedy.

## **Fundamental Rights in the EU**

### **EU Competition Enforcement and Human Rights**

Adherence to basic human rights norms has become an expected feature of states throughout the world. In Europe, the promotion and protection of human rights through national governments has been enhanced by the diversity of intergovernmental organizations committed to this cause. The latest addition to the continent's rights organizations arrived ten years ago when, based on the EU's Lisbon Treaty, the Fundamental Rights Agency (FRA) was created as a functional institution to highlight and improve human rights within EU member states. In contrast to other regulatory agencies in the EU, the FRA provides a research-based advisory function for EU institutions and legislation and performs a public-diplomacy function in promoting fundamental rights across EU member states. The linking of civil society with internal rights policies has yet produced very little scholarship. Markus Thiel's *European Civil Society and Human Rights Advocacy* not only fills this vacuum: it also offers a timely analysis in the context of Europe's proliferating human rights challenges, like the current refugee crises and the nationalist responses that geopolitical changes have provoked. *European Civil Society and Human Rights Advocacy* examines the interaction between the FRA and hundreds of transnational civil society organizations working with and on behalf of vulnerable populations in EU member states and probes the high normative standards of human rights attainment and transnational participatory governance in the EU. Thiel surveys how networking among civil society organizations takes place, to what extent they are able to set the agenda or insert themselves into EU decision-making procedures, and how they are able to exploit the opportunity structure presented by the FRA's institutionalization of a voice for civil society. Thiel draws conclusions for the larger issues of human rights promotion, transnational citizenship, and participatory governance in the region,

reflecting broadly and critically on the legitimacy of EU human rights norms through a political sociology perspective.

### **The European Union Returns Directive and Its Compatibility with International Human Rights Law**

This book explores the means by which economic liberalisation can be reconciled with human rights and environmental protection in the regulation of international trade. It is primarily concerned with identifying the lessons the international community can learn, specifically in the context of the WTO, from decades of European Community and Union experience in facing this question. The book demonstrates first that it is possible to reconcile the pursuit of economic and non-economic interests, that the EU has found a mechanism by which to do so, and that the application of the principle of proportionality is fundamental to the realisation of this. It is argued that the EU approach can be characterised as a practical application of the principle of sustainable development. Secondly, from the analysis of the EU experience, this book identifies fundamental conditions crucial to achieving this 'reconciliation'. Thirdly, the book explores the implications of lessons from the EU experience for the international community. In so doing it assesses both the potential and limits of the existing international regulatory framework for such reconciliation. The book develops a deeper understanding of the inter-relationship between the legal regulation of economic and non-economic development, adding clarity to the debate in a controversial area. It argues that a more holistic approach to the consideration of 'development', encompassing economic and non-economic concerns - 'sustainable' development - is not only desirable in principle but realisable in practice.

### **Multinational Enterprises and Human Rights**

This collection brings together leading scholars and practitioners to assess the processes, institutions and outcomes of the EU's collective diplomatic engagement in the fields of security, human rights, trade and finance and environmental politics. It analyzes successes and failures in the EU's search for global influence in the post-Lisbon era.

### **European Civil Society and Human Rights Advocacy**

The European architecture for the protection of fundamental rights combines the legal regimes of the states, the European Union, and the European Convention on Human Rights. The purpose of this book is to analyse the constitutional implications of this multilevel architecture and to examine the dynamics that spring from the interaction between different human rights standards in Europe. The book adopts a comparative approach, and through a comparison with the federal system of the United States, it advances an analytical model that systematically explains the dynamics at play in the European multilevel human rights architecture. It identifies two recurrent challenges in the interplay between different state and transnational human rights standards - a challenge of ineffectiveness, when transnational law operates as a ceiling of protection for a specific human right, and a challenge of inconsistency when transnational law

operates as a floor - and considers the most recent transformations taking place in the European human rights regime. The book tests the model of challenges and transformations by examining in depth four case studies: the right to due process for suspected terrorists, the right to vote for non-citizens, the right to strike and the right to abortion. In light of these examples, the book then concludes by reassessing the main theories on the protection of fundamental rights in Europe and making the case for a new vision - a "neo-federal" theory - which is able to frame the dilemmas of identity, equality and supremacy behind the European multilevel architecture for the protection of human rights.

### **Human Rights Act 1998**

The protection of human rights in Europe is currently at a crossroads. There are competing processes which push and pull the centre of gravity of this protection between the ECHR system in Strasbourg, the EU system in Luxemburg and Brussels, and the national protection of human rights. This book brings together researchers from the fields of international human rights law, EU law and constitutional law to reflect on the tug-of-war over the positioning of the centre of gravity of human rights protection in Europe. It addresses both the position of the Convention system vis-à-vis the Contracting States, and its positioning with respect to fundamental rights protection in the European Union. The first part of the book focuses on interactions in this triangle from an institutional and constitutional point of view and reflects on how the key actors are trying to define their relationship with one another in a never-ending process. Having thus set the scene, the second part takes a critical look at the tools that have been developed at European level for navigating these complex relationships, in order to identify whether they are capable of responding effectively to the complexities of emerging realities in the triangular relationship between the EHCR, EU law and national law.

### **Business and Human Rights in Europe**

2.2.3. Rule of Law.

### **Shifting Centres of Gravity in Human Rights Protection**

Provides broad and deep insight in the core concepts and principles of the European Convention of Human Rights.

### **The European Union as a Diplomatic Actor**

This book demonstrates how human rights obligations of the EU foreign constitution can be operationalized in the realm of international economic regulation. The content is divided into three major parts. The first outlines the legal foundations needed for the EU to become a shaper of international investment law, which include the general principles and objectives of EU external policies, the Charter of Fundamental Rights, international human rights and the international investment competences of the EU. The second part demonstrates the current international investment regime's incompatibility with human rights interests, while the third analyzes two mechanisms stemming from trade Law - ex-ante

human rights impact assessments and civil society monitoring bodies – and explores whether they could mitigate the current inequalities in the protection of rights. The potential of these mechanisms, the book argues, lies in their capacity to ensure a comprehensive assessment of all interests at stake, and to empower traditionally marginalized rights-holders to make, shape and contest the international investment regime.

### **Balancing Human Rights, Environmental Protection and International Trade**

EU commitment to human rights policies has grown following the Lisbon Treaty. Taking stock of those developments, this book describes the framework, actors, policies, and strategies of human rights across the EU and how their impact is felt. Contributed to by scholars from across the EU, this provides an in-depth and holistic view of the issues.

### **Frontex and Human Rights**

A critical discussion of EU and ECHR migration and refugee law, this book analyses the law on asylum and immigration of third country-nationals. It focuses on how the EU norms interact with ECHR human rights case law on migration, and the pitfalls of European human rights pluralism.

### **Human Rights Law and Evidence-Based Policy**

For all its achievements in integrating Europe, the EU lacks a human rights policy which is coherent, balanced and professionally administered. This volume provides an insightful critique of current policies and detailed recommendations for the future by leading experts in the field including individuals from every EU country.

### **European Union Health Law**

The capacity to abuse, or in general affect the enjoyment of human, labour and environmental rights has risen with the increased social and economic power that multinational companies wield in the global economy. At the same time, it appears that it is difficult to regulate the activities of multinational companies in such a way that they conform to international human, labour and environmental rights standards. This has partially to do with the organization of companies into groups of separate legal persons, incorporated in different states, as well as with the complexity of the corporate supply chain. Absent a business and human rights treaty, a more coherent legal and policy approach is required. Faced with the challenge of how to effectively access the right to remedy in the European Union for human rights abuses committed by EU companies in non-EU states, a diverse research consortium of academic and legal institutions was formed. The consortium, coordinated by the Globernance Institute for Democratic Governance, became the recipient of a 2013 Civil Justice Action Grant from the European Commission Directorate General for Justice. A mandate was thus issued for research, training and dissemination so as to bring visibility to the challenge posed and moreover, to provide some solutions for the removal of barriers to judicial and

non-judicial remedy for victims of business-related human rights abuses in non-EU states. The project commenced in September 2014 and over the course of two years the consortium conducted research along four specific lines in parallel with various training sessions across EU Member States. The research conducted focused primarily on judicial remedies, both jurisdictional barriers and applicable law barriers; non-judicial remedies, both to company-based grievance. The results of this research endeavour make up the content of this report whose aim is to provide a scholarly foundation for policy proposals by identifying specific challenges relevant to access to justice in the European Union and to provide recommendations on how to remove legal and practical barriers so as to provide access to remedy for victims of business-related human rights abuses in non-EU states.

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