Strengthening the European Court of Human Rights: More Accountability Through Better Legal Reasoning

Dal 2009-11-01 al 2014-10-31, progetto concluso

Obiettivo

Human rights are under pressure, in Europe as elsewhere, due to several developments, namely [1] War on terror: the pressures generated by competing discourses [2] Coping with the dangers of rights inflation [3] Conflicting rights: how to handle rights as contested claims [4] The challenges of dealing with universality under fire In this context, the human rights leadership of the European Court of Human Rights is of crucial importance. Yet the Court is not fit for purpose. Inconsistencies and sloppy legal reasoning undermine both its credibility and the impact of its decisions. The research programme that I propose will strengthen the consistency and persuasiveness of Court’s legal reasoning so as to improve its accountability and transparency. My aim is to identify new technical solutions for important human rights problems, by the development and application of creative methodologies. The substantive innovations within the field of European human rights law that I propose to make are: [a] the development of new legal tools, which will consistently integrate the accommodation of the particularities of non-dominant groups into the reasoning of the European Court of Human Rights [b] the development of a new theoretical framework combining minimum and maximum approaches to human rights protection, followed by its translation into clear legal criteria for use by the European Court of Human Rights [c] the development of a script that will enable the adoption of a consistent approach by the European Court of Human Rights to conflicts between human rights My methodological approach is characterized by the combination of empirical and normative dimensions, a 360° comparison, and the integration of qualitative research methods (interviews and focus groups with key stakeholders).

Informazioni correlate

Risultato in breve

Innovative approaches to improve human rights law in Europe

Sintesi delle relazioni

Final Report Summary - ECHR (Strengthening the European Court of Human Rights: More Accountability Through Better Legal Reasoning)
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Activity type: Higher or Secondary Education Establishments

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Argomenti

Social sciences and humanities

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