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Civil Rights,
the Constitution,
and the Courts

Archibald Cox
Mark DeWolfe Howe
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Civil Rights The Constitution And The Courts

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The European Court of Human Rights and Constitutional Courts Marco Antonio Simonelli, 2024-12-05 This book investigates the relationship between the European Court of Human Rights ECtHR and national constitutional courts by providing a more general assessment as seen from the former's perspective Adopting an empirical approach the book reviews all the case law of the ECtHR in which constitutional courts are cited This represents more than 3 000 rulings spanning more than fifty years from the establishment of the Strasbourg Court in 1959 when only three constitutional courts were active to 1 January 2023 when there were more than thirty active constitutional courts in the Council of Europe's Member States This wide ranging empirical study pursues several different goals First the book provides a quantitative assessment of the relevance of constitutional courts in ECtHR case law and presents weighted data on the frequency and chronological evolution of the citations as well as individual statistics for each national constitutional court Second it assesses the extent of the rationalisation of constitutional justice systems conducted by the Strasbourg Court and defines the standards and elements of the right to a fair constitutional trial under Article 6 ECHR Finally combining this extensive dataset with qualitative analysis the book evaluates how the Strasbourg Court interacts with each constitutional jurisdiction and provides a qualitative assessment of this relationship from the standpoint of Strasbourg case law

The European Court of Human Rights and the Rights of Marginalised Individuals and Minorities in National Context

Dia Anagnostou, Evangelia Psychogiopoulou, 2010 This volume examines the effects of Strasbourg Court jurisprudence for protecting the rights of marginalised individuals and minorities It argues that its consequences vary depending upon the diverse social legal and institutional context that shapes litigation and judicial approaches in each country

Civil Rights, the Constitution, and the Courts

Archibald Cox, Mark DeWolfe Howe, J. R. Wiggins, 1993 *The Protection of Fundamental Rights by the Constitutional Court* European Commission for Democracy through Law, Croatia. Ustavni sud, Organization for Security and Co-operation in Europe. Office for Democratic Institutions and Human Rights, 1996-01-01

Mr Nikolai V VITROUK **Constitutional Courts and Democratic Values** Víctor Ferreres Comella, 2009-12-01 Víctor Ferreres Comella contrasts the European centralised constitutional court model in which one court system is used to

adjudicate constitutional questions with a decentralised model such as that of the United States in which courts deal with both constitutional and non constitutional questions

The Supreme Court and Constitutional Theory, 1953-1993 Ronald Kahn, 1994 Combining theoretical sophistication with a fundamental comprehension of the political institutions of the USA

this study aims to demystify the workings of the United States Supreme Court and its place in democracy

Constitutional Courts and European Integration European Commission for Democracy through Law, 2005-01-01 In a continent where a majority of states are members of the European Union the supremacy of law can no longer be understood without respect for the supremacy of supranational law The implementation of this basic principle deriving from the European Community legal

order from a constitutional point of view poses problems which have not been resolved in a uniform manner This volume contains seventeen reports which demonstrate how these issues have been dealt with by different legal Systems in Europe

Constitutionality of Law without a Constitutional Court Mirosław Granat,2023-09-01 This book analyses the problem of the possibility of guaranteeing the constitutionality of law in cases when a constitutional court either has been weakened or does not exist A starting point of the research is the emergence of the so called illiberal constitutionalism in several states namely Poland Hungary and Turkey as this phenomenon gravely affects the functioning of constitutional courts The work is divided into three parts The first contains contributions of a theoretical nature dedicated to the current shape of constitutional review in particular in the light of the emergence of illiberal constitutionalism This part of the book also deals with the collapse of the centralised constitutional review in Poland and the attempts to resolve the constitutional crisis The second is focused on discussing specific current problems with constitutional review on the basis of states such as Hungary Romania Turkey and Poland The third relates to other forms of constitutional review that is the so called dispersed model and the parliamentary one executed in the course of the legislative process The contributions discuss such forms of constitutional review in the Netherlands and Finland The book will be a valuable resource for students academics and policy makers working in the areas of constitutional law and politics

The Constitutional Courts of Small Jurisdictions Danny Pieters,2024-04-30 The Constitutional Courts of Small Jurisdictions identifies features and challenges common to the constitutional courts of small state jurisdictions in Europe The constitutional courts of the following small state jurisdictions are explored Andorra Cyprus Estonia Liechtenstein Luxembourg Malta Monaco Montenegro and San Marino For each country s constitutional court the following matters are examined the history of the court its composition its standing and the types of proceedings jurisdiction of the court procedural steps and rules the nature and effect of the decisions rendered relations with other courts CJEU ECHR etc and current issues and future developments The book concludes by identifying some common features and challenges that constitutional courts of small states are confronted with formulating recommendations for other small state jurisdictions across the world This book will be of great interest and use to practitioners and scholars working in and researching constitutional law in general and constitutional courts in particular It will be invaluable for those dealing with small states as it pays attention to an often forgotten but important aspect of the rule of law and thus also of democracy

Enforcing International Human Rights in Domestic Courts Benedetto Conforti,Francesco Francioni,2021-09-27 The purpose of this book is to explore the ways in which domestic courts are dealing with international human rights issues in their respective jurisdictions This volume however is not limited to offering a comparative overview It aims principally at identifying the most common obstacles that still hinder the effective adjudication and enforcement of human rights in domestic law Ultimately it aspires to suggest judicial models that may help reduce or remove those obstacles consistently with the principle recognised in modern constitutions that national courts are

bound to participate in the implementation process of international law **Constitutional Courts in Asia** Hongyi Chen, Andrew Harding, 2018-09-20 A comparative systematic and critical analysis of constitutional courts and constitutional review in Asia *Three Generations of European Constitutional Courts in Transition to Democracy* Francesco Biagi, 2020-01-02 A comparative perspective of role played by three generations of European Constitutional Courts in the process of transition to democracy **Inter-American Yearbook on Human Rights / Anuario Interamericano de Derechos Humanos, Volume 29 (2013)** Inter-American Commission on Human Rights, 2022-11-07 The print edition is available as a set of three volumes 9789004302020 New Courts in Asia Andrew Harding, Penelope Nicholson, 2010-01-21 This book discusses court oriented legal reforms across Asia with a focus on the creation of new courts over the last 20 years Contributors discuss how to judge new courts and examine whether the many new courts introduced over this period in Asia have succeeded or failed The new courts under scrutiny are mainly specialist courts including those established to hear cases involving intellectual property disputes bankruptcy petitions commercial contracts public law adjudication personal law issues and industrial disputes The justification of the trend to judicialize disputes has seen the invocation of Western style rule of law as necessary for the development of the market economy democratization good governance and the upholding of human rights This book also includes critics of court building who allege that it serves a Western agenda rather than serving local interests and that the emphasis on judicialization marginalises alternative local and traditional modes of dispute resolution Adopting an explicitly comparative perspective and contrasting the experiences of important Asian states China Japan Korea Malaysia Vietnam Brunei Thailand and Indonesia this book considers critical questions including Why has the new court model been adopted and why do international development agencies and nation states tend to favour it What difficulties have the new courts encountered How have the new courts performed What are the broader implications of the trend towards the adoption of judicial solutions to economic social and political problems Written by world authorities on court development in Asia this book will not only be of interest to legal scholars and practitioners but also to development specialists economists and political scientists **Country Reports on Human Rights Practices for 2006** United States. Department of State, 2008 **Country Reports on Human Rights Practices** ,2001 **Country Reports on Human Rights Practices For 2006, Vol. 1, April 2008, 110-2 Joint Committee Print, S. Prt. 110-40, *** ,2008

Constitutional Protection of Human Rights in Latin America Allan R. Brewer-Carías, 2009 This book examines the most recent trends in the constitutional and legal regulations in all Latin American countries regarding the amparo proceeding It analyzes the regulations of the seventeen amparo statutes in force in Latin America as well as the regulation on the amparo guarantee established in Article 25 of the American Convention of Human Rights *Human Rights Under African Constitutions* Abdullahi Ahmed An-Na'im, 2013-10-09 Some of the most massive and persistent violations of human rights occur in African nations In *Human Rights Under African Constitutions Realizing the Promise for Ourselves* scholars

from a wide range of fields present a sober systematic assessment of the prospects for legal protection of human rights in Africa In a series of detailed and highly contextual studies of Ethiopia Ghana Guinea Morocco Mozambique Nigeria Rwanda Senegal South Africa Sudan and Uganda experts seek to balance the socioeconomic and political diversity of these nations while using the same theoretical framework of legal analysis for each case study Standards for human rights protection can be realized only through direct and strong support from a nation s legal and political institutions The contributors to this volume uniformly conclude that a well informed and motivated citizenry is the most powerful force for creating the political will necessary to effect change at the national level In addition to a critical evaluation of the current state of human rights protection in each of these African nations the contributors outline existing national resources available for protecting human rights and provide recommendations for more effective and practical use of these resources *Human Rights and Democracy* Kevin Boyle, Adel Omar Sherif, 2024-01-15 This is the first comprehensive account in English of the human rights jurisdiction of the Supreme Constitutional Court of Egypt The Court has full judicial review powers under the 1971 Egyptian Constitution and has played a central role in defending democratic values and in implementing international human rights standards in this pivotal Islamic country The book includes chapters written by the Chief Justice Dr Awad Mohammad El Morr and other members of the judiciary It contains a digest of key human rights judgments along with the texts of the Constitution and the Statute of the Supreme Constitutional Court The book also examines the influence of United States constitutional law as well as international human rights law on Egypt s highest court

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