

The European Union and the European Convention on Human Rights



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This book offers a detailed examination of the influence of the European Convention on Human Rights on the law of the European Community and European Union, and considers the relationship which has developed between these two European legal systems. The first part of the book examines questions concerning institutions and structures. It traces the development of the protection of human rights within the European Union and considers the responsibility of the EU Member States under the ECHR for actions arising out of their EU membership. The potential for divergences, as well as cross-fertilisation, between the two systems is discussed. This part also examines the choices facing the EU in terms of how to develop the protection of rights further, including the appropriate place of the EU's own Charter of Fundamental Rights and the value of EU accession to the ECHR. The second part of the book, which focuses on substantive rights, examines the extent to which EU law measures up to the standards set by the ECHR. Areas such as immigration and asylum, the collection and use of personal data, access to an effective remedy and the imposition of sanctions raise various human rights issues and how these and other issues have been dealt with in the EU will be examined, using the ECHR rights as a benchmark.

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