

## European Convention on Human Rights Act



The European Convention on Human Rights Act 2003 transposed the Convention into Irish law. *European Convention on Human Rights Act: Operation, Impact and Analysis* by de Londras and Kelly is the first comprehensive analysis of the operation and impact of the Act. It will not only provide an extensive study of the contents of the Act itself but will also include analysis of the impact that the Act has had on litigation, politics and the realisation of rights in practice. This book serves not only then to illuminate the Acts operation for practitioners and students, but also to identify mechanisms by which the ECHR Act 2003 might be used to bring about a real change in the enjoyment of Convention rights in Ireland. This book is primarily designed for the practitioner and will endeavour to illustrate the Acts operation. Comparison will be made to the operation of analogous provisions in the UKs Human Rights Act 1998 where appropriate. The book will also, however, be of interest to students, academics, policy makers and politicians who are concerned with the impact and operation of the Act s

Key elements include:

- \*The status of the Convention in Irish law;
- \*The relationship between the European Convention on Human Rights Act and the Constitution;
- \*The scope of the 2003 Act, including its territorial scope and the retrospective application of the Act;
- \*The obligation on courts to interpret and apply statutory provisions and rules of law in a manner compatible with the States obligations under the Convention;
- \*The obligation on every organ of the State to perform its functions in a manner compatible with the States obligations under the Convention;
- \*The extent to which Irish courts must take account of the jurisprudence of the European Court of Human Rights;
- \*An analysis of how certain Convention principles such the margin of appreciation and proportionality should be interpreted

and applied by the Irish courts; \*The availability of damages and injunctive relief under the 2003 Act when there has been a breach of Convention rights; \*The requirements for and the implications of the making of a declaration of incompatibility; \*The role of the Irish Human Rights Commission and the Attorney General in proceedings under the 2003 Act; \*A critical analysis of the impact and effectiveness of the 2003 Act on the Irish legislative processes. Dr Fiona de Londras BCL, LL.M, PhD (NUI) is a Lecturer in the School of Law, University College Dublin. Dr Cliona Kelly BCL, PhD (NUI) is a Lecturer in the School of Law, National University of Ireland, Galway.

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