

## INDEX

- abolition of death penalty. *See* death penalty
- abortion rights, 140
- abuse of rights, 411, 454
- access to documents, ECtHR cases, 418
- access to information, 357, 451
- access to justice, CFR, 359–66
  - right to fair trial, 361–2
  - right to legal aid and assistance, 362–3
- Accession Agreement, 326–7
- accountability, in ECtHR judgments, 121–2
- advisory opinions, by ECtHR, 420
- age and disability, 348–9, 447
- Amin, Idi, 270
- applicant states, EU membership, 283–7
  - Copenhagen criteria, 284–5
  - enforcement mechanisms, 286–7
  - political conditionality criteria, 283–4
- arrests, 136–92
- Article 1, ECHR, 136–7
  - extraterritoriality, 136–7
- Article 2, ECHR, 137–42
  - abortion under, 140
  - positive obligations, 138–40
  - proportionality, 142
  - scope of, 385–6
  - use of force, 140–2
- Article 3, ECHR, 142–6
  - asylum seekers, 145
  - corporal punishment, 145
  - detention, 144–5
  - discrimination, 145
  - inhuman treatment, defined, 145
  - medical consent, 145
  - scope of, 386–7
- Article 4, ECHR, 147–8
  - positive obligations, 148
  - proportionality, 147–8
  - scope of, 386–7
- Article 5, ECHR, 148–53
  - arrests, 149–52
  - core assumptions, 149
  - detention, 150–2
  - interpretation, 152–3
  - legality, 150–1
  - margin of appreciation, 152–3
  - permissible exceptions, 149–50
  - purpose of, 148–9
- Article 6, ECHR, 153–60
  - compliance, 156
  - impartiality, 157
  - implementation discretion, 156
  - margin of appreciation and, 155
  - non-criminal contexts, 153–4
  - scope of, 157–60, 388–9, 401–2
  - tribunals, 156–7
- Article 7, ECHR, 160–1
- Article 8, ECHR, 161–7
  - margin of appreciation, 164–5
  - positive obligations, 164
  - privacy-related interests, 165–6
  - proportionality, 164–5
  - scope of, 389–91
  - structure of, 161–2
- Article 9, ECHR, 168–72
  - margin of appreciation, 171
  - permissible exceptions, 170
  - positive obligations, 169
  - proportionality, 171
  - scope of, 391–2

- Article 10, ECHR, 172–9  
 defamation, 173  
 duties and responsibilities, 174–6  
 exclusions, 174  
 legitimate purposes of, 176–7  
 protection of morals, 177–8  
 public interests, 179  
 rights of others, 178–9  
 scope of, 392–3
- Article 11, ECHR, 179–84  
 limitations, 181–3  
 margin of appreciation, 181–3  
 principle of proportionality, 181–3  
 scope of, 180, 393–4  
 trade unions, 183–4
- Article 12, ECHR, 184–5  
 scope of, 391
- Article 13, ECHR, 185–6  
 implementation, 186
- Article 14, ECHR, 186–90  
 comparable groups, 188–90  
 defined, 187  
 ECtHR case law, 187–8  
 margin of appreciation, 189–90  
 scope of, 396–7
- Article 15, ECHR, 190–2  
 compliance, 190–1  
 limitations, 191–2
- Articles 16–18, ECHR, 192
- arts and sciences, CFR, 338
- assembly and association. *See* freedom of assembly and association
- asylum seekers, 145  
 CFR and, 343, 445–6
- authority  
 of ECtHR, 108, 120–5  
 accountability, 121–2  
 criticisms and complaints, 123–4
- autonomous interpretation, 132–3
- Bevin, Ernest, 7
- bindingness  
 CFR provisions, 252–4  
 ECtHR judgments, 419–20
- British Exit (Brexit)  
 CE membership, 48–9  
 ECHR, 47–9  
 ECtHR involvement, 48–9
- fundamental rights in UK, 47–8  
 human rights challenges, 46–9
- Brussels Treaty for Economic, Social and Cultural Collaboration and Collective Self-Defence, 7
- case law, ECJ, 302–22  
 adjudication institutions and procedures, for human rights protections, 377–8
- CFR applications, 306–22  
 direct applicability, 309–11  
 interpretation, 321–2, 381–3  
 judicial review of rights and principles, 313–14  
 limits, 303–6  
 private parties, 306–11  
 review of justifications, 314–17  
 rights holders, 312–13
- consumer protections, 353
- deference, 317–19
- environmental protections, 353
- EU law  
 Accession Agreement, 326–7  
 EU law and  
 private parties, 306–7  
 interpretation methods, 378–84  
 CFR applications, 321–2, 381–3  
 margin of appreciation, 317–19  
 material scope of application, 302–6  
 CFR limits, 303–6  
 EU institutions, acts and omissions, 302–3  
 member states, acts and omissions, 303–6
- positive obligations doctrine in, 320–1
- private parties  
 CFR applications, 306–11  
 in CFR applications, 306–11  
 interpretation of secondary legislation, 307–8  
 primary EU law effects, 306–7  
 provisions of national law, 308  
 proportionality requirements, 317  
 Treaty of Lisbon, 322  
 voting rights, 354

- case law, ECtHR  
 abortion rights, 140  
 adjudication  
   formal interpretations, 131  
 adjudication for  
   methods, 130–6  
   processes, 130–6  
 Article 14, 187–8  
 autonomous approach, 132–3  
 caseload increases, 129  
 constitutional principles, 134–5  
 dissenting judgments, 130  
 evolutive approach, 132–3  
 formal approach, 131  
 interpretation methods, 378–84  
 judicial style, 135–6  
   activist, 135  
   perfectionist, 135  
   realism, 135  
   self-restraint, 135  
 margin of appreciation, 133–4  
 proportionality, 133  
 substantive ECHR provisions, 136–202  
   Articles, 136–92. *See also specific Articles*  
   Protocols, 193–202. *See also specific Articles*  
 teleological principle, 131–2, 134–5  
 use of force, 140–2  
 Vienna Convention on the Law of Treaties, 131  
 CDDH. *See* Steering Committee for Human Rights  
 CE. *See* Council of Europe  
 CEEC. *See* Committee of European Economic Co-operation  
 CFR. *See* Charter of Fundamental Rights  
 CFR-CDF. *See* Network of Independent Experts on Fundamental Rights  
 CFSP. *See* Common Foreign and Security Policy  
 charismatic legitimacy, 121  
 Charter of Fundamental Rights (CFR), 28, 248–54, 441–54. *See also* access to justice; citizens' rights; freedoms as rights  
 bindingness, 252–4  
 ECHR, 249–51, 325–7  
 ECJ case law, 306–22  
   direct applicability, 309–11  
   interpretation, 321–2, 381–3  
   judicial review of rights and principles, 313–14  
   limits of, 303–6  
   private parties, 306–11  
   review of justifications, 314–17  
   rights holders, 312–13  
 ECtHR, 325–7  
 equality rights, 344–9, 446–7  
   diversity provisions, 347, 446  
   equal treatment under law, 344–6  
   non-discrimination, 344–6, 446  
   rights of children, 347–8, 447  
   rights of elderly and disabled, 348–9, 447  
 EU Ombudsman, 230  
 gender equality, 255, 347, 446–7  
 human dignity, 328–30, 442–3.  
   *See also specific rights*  
   human trafficking, 330  
   inhuman and degrading treatment, 329–30  
 implementation strategy, 252–3  
 inhuman and degrading treatment, 329–30  
 intellectual property rights, 342–3  
 judicially-recognised rights, 452–3  
   double jeopardy, 453  
   effective remedy, 452  
   fair trials, 452  
   presumption of innocence, 452  
   proportionality of criminal penalties, 452–3  
 levels of protection, 454  
 national constitutional rights, 322–4  
 overview, 366–7  
 Preamble, 441–2  
 prohibition of collective expulsion, 343–4  
   scope of, 395–6  
 prohibition of torture, 329–30  
 right to asylum, 343  
 right to property, 341–2  
 rights. *See also specific rights*

- Charter of Fundamental Rights (CFR)  
 (*cont.*)  
   catalogue of, 249–51  
   protected, 327–66  
   scope of, 453–4  
   socio-economic rights, 349, 449–50  
     consumer protections, 353, 450  
     health care, 352, 449  
     services of general economic interest, 352–3, 449  
     social security, 351–2, 449  
   solidarity rights, 349–53, 447–50.  
     *See also* workers' rights  
   titles, 248–9  
   Treaty of Lisbon, 251–2, 374  
   workers' rights, 349–53  
     collective bargaining, 349–50, 448  
     fair and just working conditions, 448  
     free placement services, 350, 448  
     right to information, 349, 447  
     unfair dismissal, 350, 448  
 children, 347–8, 447  
   child labour, 448  
 China, human rights violations, 279  
 Churchill, Winston, 6–8  
 citizens' rights, 353–9, 450–2  
   access to information, 357, 451  
   diplomatic protection, 358–9, 452  
   electoral candidacy, 450  
   freedom of expression, 357  
   freedom of movement, 353–4, 358, 451–2  
   good institutional administration, 354–5, 450–1  
   to Ombudsman, 451  
   to petition EP, 357–8, 451  
   voting rights, 354, 450  
 citizenship, 241  
 civil rights, under ECHR, 92–3  
 CM. *See* Committee of Ministers  
 CODEXTER. *See* Committee of Experts on Terrorism  
 collective bargaining rights, 349–50, 448  
 collective expulsions, 343–4  
   CFR, 446  
   in ECHR, 426  
   scope of, 395–6  
 Committee of European Economic Co-operation (CEEC), 15  
 Committee of Experts on Terrorism (CODEXTER), 42  
 Committee of Ministers (CM), of CE, 61–3  
   powers of, 421  
   supervision of ECtHR judgments, 104–7  
 Common Foreign and Security Policy (CFSP), 215  
 Community Bill of Rights, 245–6  
 Community Charter of the Fundamental Social Rights of Workers (Social Charter), 240–1  
 compensation for wrongful conviction, 431  
 competence, in ECtHR, 414–15  
   committees, 414–15  
   single judges, 414  
 complaint processes, 227  
 compliance with ECHR  
   Article 6, 156  
   Article 15, 190–1  
   national rankings, 110  
 conducting a business, 339–41, 445  
 confederalism, 52–3  
 confidentiality principles, CPT, 83  
 conscience. *See* freedom of conscience  
 consent. *See* medical consent  
 constitutional justice, 107–20  
 constitutional law. *See* national constitutional law  
 constitutional pluralism, 52–3, 291–2  
 Constitutional Treaty, 244  
 constitutionalism  
   defined, 51  
   interordinal, 52–3  
   transnational legal systems in Europe, 54–5  
   unification model, 52  
 constitutionalization  
   ECHR, 114–16  
   ECtHR, 112–16, 119  
   EU, 28, 50, 118  
 constructivism, 60  
 consular protections, 358–9, 452

- consumer protections, 353, 450  
 Convention for the Protection of  
   Human Rights and  
   Fundamental Freedoms  
   (ECHR), 3, 405–12. *See also*  
   European Convention on  
   Human Rights; Protocols to  
   ECHR  
 abuse of rights, 411  
 anti-discrimination provisions, 411  
 denunciation, 422–3  
 derogation rights, 411  
 dispute settlement, 421–2  
 freedom of assembly and association,  
   410  
 freedom of expression, 409–10  
 freedom of thought, conscience and  
   religion, 409  
 political activity of aliens, 411  
 prohibition of punishment without  
   law, 409  
 prohibition of slavery and forced  
   labour, 407  
 prohibition of torture, 406  
 ratification, 423  
 reservations, 422  
 restrictions/limitations of rights, 412  
 right to effective remedies, 410  
 right to fair trial, 408  
 right to liberty and security, 407–8  
 right to life, 406  
 right to marry, 410  
 right to respect for family life, 409  
 right to respect for private life, 409  
 signature, 423  
 territorial application, 422  
 cooperation principles, CPT, 83  
 Copenhagen criteria, for EU applicant  
   states, 284–5  
 corporal punishment, 145  
 Council of Europe (CE). *See also*  
   European Convention on  
   Human Rights; European Court  
   of Human Rights  
 admissions process, 19–20  
   special guest status, 19–20, 63  
 Brexit, 48–9  
 CDDH, 34–5  
 Chechen crisis, 17–18  
 CM, 61–3  
   powers, 421  
   supervision of ECtHR judgments,  
     104–7  
 CODEXTER, 42  
 conceptual frameworks, 50–5  
 consolidation, 17–24  
 constructivism, 60  
 Convention on Laundering, Search,  
   Seizure and Confiscation of  
   the Proceeds from Crime and  
   on the Financing of Terrorism,  
   41–2  
 Convention on the Prevention of  
   Terrorism, 41–2  
 core principles, 9  
 core values, 58–9  
 CPT, 81–4  
   NGOs, 83–4  
   principles, 83  
 crisis management strategies, 29–36  
 defense issues, 9  
 democratization of European states,  
   18–19  
 development, 8–10, 17–28  
 ECPT, 17, 81–4  
 ECSR, 76–80  
   ETUC, 77–9  
   monitoring processes, 77–9  
 enlargement of, 17–24  
 ESC, 10, 74–6, 125–6  
 European Charter for Regional and  
   Minority Languages, 125–6  
 external human rights activities,  
   369–70  
 FRA, 234  
 Framework Convention for the  
   Protection of National  
   Minorities, 84–90, 125–6  
 human rights challenges, 39–50  
   Brexit, 46–9  
   Euro-scepticism as, 49  
   mass migration, 43–6  
   overview, 55–6  
   post-2008 economic crisis, 39–40  
   rights scepticism, 49  
   terrorism, 40–3

- Council of Europe (CE). (cont.)  
 internal human rights activities,  
 370–403  
 adjudication institutions and  
 procedures, 375–8  
 extra-legal dimensions, 370–3  
 human rights legislation, 373–4  
 substantive human rights case law,  
 384–5  
 key institutions, 60–70  
 CM, 61–3, 104–7  
 European Commissioner for  
 Human Rights, 66–70  
 Secretariat, 66  
 mass migration  
 Dublin System, 44–5  
 human rights challenge, 43–6  
 QMV system, 45  
 NATO, 73–4  
 NGOs, 60–1  
 objectives, 8–9  
 PACE, 18, 63–5, 371  
 legitimacy, 71  
 members, 63–4  
 purpose and function, 64–5  
 policy objectives, 70–4  
 coordination and integration, 72  
 external sources, 71  
 Secretary General's inquiries, 421  
 Treaty of London, 8–9  
 UN, 10  
 Council of Europe Convention on  
 Laundering, Search, Seizure and  
 Confiscation of the Proceeds  
 from Crime and on the  
 Financing of Terrorism,  
 41–2  
 Council of Europe Convention on  
 the Prevention of Terrorism,  
 41–2  
 Council of the European Union, 221–4  
 creation of, 221  
 data protection rights reform, 258–9  
 decision-making by, 221–2  
 human rights reports, 223  
 powers and responsibilities, 222–3  
 expansion of, 223–4  
 reduction of, 223–4  
 purpose and function, 221–2  
 QMV, 221–2  
 TEU, 223  
 Court of Justice of the European Union,  
 224. *See also* European Court of  
 Justice  
 functions of, 225  
 CPT. *See* European Committee for the  
 Prevention of Torture and  
 Inhuman or Degrading  
 Treatment or Punishment  
 crisis management strategies  
 CE, 29–36  
 ECHR, 29–36  
 cultural diversity, 446  
 Cyprus, Turkish invasion of, 20, 29–30  
 Data Protection Convention (DPC),  
 258–9  
 Data Protection Directive (DPD),  
 258–9  
 data protection rights, 257–9  
 CFR, 332–4, 443  
 Council of the European Union,  
 258–9  
 ECJ judgments, 332–4  
 EP, 258–9  
 death penalty (abolition), 428, 437–9  
 entry into force, 439  
 prohibition of derogations, 437  
 prohibition of reservations, 438  
 signature and ratification, 438  
 territorial application, 438  
 in time of war, 428  
 Decalogue, 4  
 decision-making  
 by Council of the European Union,  
 221–2  
 in ECtHR judgments, 419  
 by European Council, 212–13  
 defamation, under Article 10 ECHR,  
 173  
 deference  
 ECJ case law, 317–19  
 scope of, 401–2  
 Delors, Jacques, 26  
 democracy, human rights and, 24  
 democracy principle, 134–5

- democratisation in Europe, 18–19  
 derogation. *See also* Article 15, ECHR  
   ECHR, 411, 429  
 detention  
   Article 3 ECHR, 144–5  
   Article 5 ECHR, 150–2  
 dignity. *See* human dignity  
 diplomatic protection, 358–9, 452  
 disability rights. *See* age and disability  
 discrimination. *See also* Article 14,  
   ECHR  
   Article 3, ECHR, 145  
   CFR, 255  
   comparable groups, 188–90  
   in ECHR, 411, 435  
   Equal Employment Directive, 256–7  
   Equal Pay Directive, 255–6  
   Equal Treatment Directive, 255–6  
   Horizontal Directive, 257  
   Race Directive, 257  
   scope of, 396–7  
   sexuality and, 374  
   Treaty of Amsterdam, 256  
 dispute settlement, 421–2  
 dissenting judgments, in ECtHR case  
   law, 130  
 domestic law. *See also* national  
   constitutional law  
   ECJ case law, 308  
   EU law, 203–4  
 double jeopardy principle, 365–6  
   CFR, 453  
   ECHR, 432  
   scope of, 403  
 DPC. *See* Data Protection Convention  
 DPD. *See* Data Protection Directive  
 Draft Constitutional Treaty, 37  
 Dublin System, 44–5  
  
 EC. *See* European Communities  
 ECHR. *See* Convention for the  
   Protection of Human Rights  
   and Fundamental Freedoms;  
   European Convention on  
   Human Rights  
 ECJ. *See* European Court of Justice  
 economic organisations and  
   communities in Europe  
   CEEC, 15  
   ECSC, 15–16, 213–14, 238  
   EEC, 16–17, 25, 238  
   EURATOM, 16–17, 238  
   OEEC, 15  
 ECPT. *See* European Convention for  
   the Prevention of Torture and  
   Inhuman and Degrading  
   Treatment or Punishment  
 ECSC. *See* European Coal and Steel  
   Community  
 ECSR. *See* European Committee on  
   Social Rights  
 ECtHR. *See* European Court of Human  
   Rights  
 education rights, 196–7  
   CFR, 338–9, 444–5  
   ECHR, 424  
   scope of, 394  
 EEA Agreement. *See* European  
   Economic Area Agreement  
 EEC. *See* European Economic  
   Community  
 effective remedy. *See also* Article 13,  
   ECHR  
   CFR, 452  
   ECHR, 410  
   scope of, 398–401  
 efficacy of ECtHR, 108, 110–11  
 efficiency, of ECtHR, 108, 110–11  
 EIDHR. *See* European Initiative  
   for Democracy and Human  
   Rights  
 EIGE. *See* European Institute for  
   Gender Equality  
 elections. *See* free elections  
 electoral candidacy, 450  
 enforcement mechanisms  
   EU applicant states, 286–7  
   fundamental rights, 262–5  
   ECJ, 262–3  
   infringement proceedings, 262–3  
   preventive procedures, 263–5  
   sanctioning procedures, 263–5  
   TEU, 263–5  
   TFEU, 262–3  
 ENI. *See* European Neighborhood  
   Instrument

- ENP. *See* European Neighborhood Policy
- environmental protections, 353, 450
- EP. *See* European Parliament
- Equal Employment Directive, 256–7
- Equal Pay Directive, 255–6
- Equal Treatment Directive, 255–6
- equality between spouses, 432
- Equality Network. *See* European Network of Legal Experts in Gender Equality and Non-Discrimination
- equality of arms principle, 362
- equality rights. *See also* gender equality  
 CFR, 344–9, 446–7  
 diversity provisions, 347, 446  
 equal treatment under law, 344–6  
 non-discrimination, 344–6, 446  
 rights of children, 347–8, 447  
 rights of elderly and disabled, 348–9, 447  
 cultural diversity, 446  
 linguistic diversity, 446  
 religious diversity, 446
- ESC. *See* European Social Charter
- ESM. *See* European Stability Mechanism
- ethnic violence. *See* inter-ethnic violence
- ETUC. *See* European Trade Union Confederation
- EU. *See* European Union
- EU Agency for Fundamental Rights (FRA), 37, 230–4  
 CE, 234  
 collaborations with other institutions, 233–4  
 EIGE, 235–6  
 EUCM, 230–1  
 limitations, 233  
 purpose and functions, 230–3
- EU law. *See* European Union law
- EUCM. *See* European Monitoring Centre for Racism and Xenophobia
- EURATOM. *See* European Atomic Energy Community
- Eurofound. *See* European Foundation for the Improvement of Living and Working Conditions
- Europe. *See also* European Union  
 consolidation, 17–28  
 democratization of former Soviet states, 18–19  
 development of trans-national institutions, 17–28  
 economic communities in  
 CEEC, 15  
 EEC, 16–17, 25, 238  
 EURATOM, 16–17, 238  
 OEEC, 15  
 economic organisations and communities, 15  
 integration in postwar period, 6–8.  
*See also* Council of Europe  
 Brussels Treaty, 7  
 through economic communities, 14–17  
 as European Movement, 8  
 intergovernmentalism, 6–7  
 NATO, 7  
 UK involvement, 7–8  
 transnational legal systems in, 54–5
- European Agency for the Management of Operational Cooperation at the External Borders (Frontex), 234
- European Atomic Energy Community (EURATOM), 16–17, 238
- European Charter for Regional and Minority Languages, 125–6
- European Coal and Steel Community (ECSC), 15–16, 213–14, 238
- European Commission, 213–16  
 authority of, 214–15  
 CFSP, 215  
 ECSC, 213–14  
 EP, 214–16  
 functions and purposes of, 215–16  
 origins of, 213–14  
 TFEU, 216  
 Treaty of Lisbon and, 215–16
- European Commission against Racism and Intolerance, 61



- European Commission for Democracy through Law (Venice Commission), 61
- European Commission of Human Rights, 13, 20
- European Commissioner for Human Rights, CE, 66–70
  - purpose and functions, 67–8
- European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), 81–4
  - NGOs, 83–4
  - principles, 83
- European Committee on Social Rights (ECSR), 76–80
  - ETUC, 77–9
- European Communities (EC), 10
  - expansion, 26
  - fundamental rights, 267–8
  - Schengen Agreements, 27
  - Three Pillar system, 27
- European Convention for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment (ECPT), 17, 81–4
- European Convention on Human Rights (ECHR), 90–125. *See also case law; European Court of Human Rights; specific Articles*
  - Brexit, 47–9
  - CFR, 325–7
  - compliance rankings of, 110
  - constitutionalization, 114–16
  - content of, 91–3
    - Articles, 91
    - civil rights, 92–3
    - political rights, 92–3
    - Protocols, 91–2, 95–7
  - crisis management strategies, 29–36
    - case overload, 31–2
    - reforms, 31–4
  - development, 10–14
  - ESC, 76
  - EU accession, 38–9, 245–8
    - ECJ rulings, 247–8
    - Treaty of Lisbon, 246–7
  - EU law, 203
    - compliance with, 383
    - Convention violations, 204–5
  - goals, 12
  - heterarchical structure, 118
  - individual applications, 14
  - individual applications process, 94–104
  - international law, 203
    - Convention violations under, 204–5
  - inter-state complaints, 13–14, 20, 29–30, 93–4
  - levels of protection, 23–4
    - bad-faith abuse of governmental power, 23
  - limitations, 12–13, 205–8
  - micro-bureaucratic refinements, 103–4
  - pilot judgments, 101–3
  - pluralism, 107–20
  - Protocols
    - content, 91–2, 95–7
    - influence on ECtHR case law, 193–202
    - miscellaneous rights, 200–2
    - purpose and function, 10–11, 205–8
    - restrictions upon rights, 192
    - scope, 205–8
    - Treaty of Lisbon, 246–7
- European Convention on the Legal Status of Migrant Workers, 44
- European Convention on the Suppression of Terrorism, 41–2
- European Council, 211–13
  - decision-making authority, 212–13
  - fundamental rights, 288
  - historical development, 211–12
  - human rights, 271–2
  - primary purpose of, 212–13
  - SEA, 211–12
  - status of, 211–12
  - TEU, 212–13
  - Treaty of Lisbon, 211–12

- European Court of Human Rights (ECtHR), 90–125, 412–23.  
*See also* judges  
 access to documents, 418  
 admissibility criteria, 416–17  
 advisory opinions, 420  
   reasons, 420  
 authority of, 108, 120–5  
   accountability, 121–2  
   criticisms and complaints, 123–4  
 CFR, 325–7  
 committees, 413–14  
 competence, 414–15  
   of committees, 414–15  
   of single judges, 414  
 constitutional justice, 107–20  
 constitutionalization, 112–16, 119  
 efficacy, 108, 110–11  
 efficiency, 108, 110–11  
 establishment, 412  
 examination of cases, 418  
 expenditure, 421  
 friendly settlement, 418  
 Grand Chamber, 415, 418–19  
   admissibility decisions, 415  
   judges, 100–1, 413–14  
   merits of, 415  
   powers, 415  
   referrals, 419  
   relinquishment of jurisdiction, 415  
 increased applications process, 21–2, 99–100  
 individual applications process, 94–104, 416  
   adjudication of merits, 94–5  
   Registry lodging of complaints, 94  
   remedial actions, 101–3  
 individual justice, 107–20  
 inter-state cases, 416  
 judgments, 419–20  
   binding force of, 419–20  
   CE supervision, 104–7  
   decision-making in, 419  
   dissenting, 130  
   execution of, 104–7, 419–20  
   final, 419  
   increases, 129  
   terrorism, 40–1  
   jurisdiction, 416  
     relinquishment of, 415  
   just satisfaction, 418  
   legitimacy, 49–50, 108, 120–5  
     accountability, 121–2  
     criticisms and complaints, 123–4  
     types, 121  
   pilot judgments, 101–3  
   plenary court, 413  
   pluralism, 107–20  
   public hearings, 418  
   rapporteurs, 413  
   Registry, 94, 413  
   striking out of applications, 417  
   supervision of execution of  
     judgments, 104–7  
     by CM, 104–7  
   third-party interventions, 417  
   voting rights cases, 354  
 European Court of Justice (ECJ), 224–6. *See also* case law, ECJ  
 administrative structure, 224–5  
 CFR, 299–300  
 creation of, 224  
 data protection rights, 332–4  
 ECHR, 299  
 EU accession to ECHR, 247–8  
 expansion of power, 225–6  
 functions of, 225  
 fundamental rights, 238–40, 245–6, 300–1  
   development, 298–301  
   enforcement mechanisms, 262–3  
   EU law, 298–300  
   as market-oriented protector, 301  
 guiding principles, 294–6  
   attribution, 295–6  
   conferral, 295–6  
   national constitutional identity, 296  
 main tasks, 294  
 national constitutional law, 323–4  
 nature of, 294–8  
 procedural context, 296–8  
   infringement procedures, 297  
   reactive approach, 297–8  
 structure, 294–8  
 Treaty of Maastricht, 299–300

- European Economic Area (EEA)  
 Agreement, 281–2
- European Economic Community  
 (EEC), 16–17  
 expansion of, 25  
 TEEC, 238
- European Foundation for the  
 Improvement of Living and  
 Working Conditions  
 (Eurofound), 234
- European Framework Convention for  
 the Protection of National  
 Minorities 1995, 17
- European Initiative for Democracy  
 and Human Rights (EIDHR),  
 275–6
- European Institute for Gender Equality  
 (EIGE), 234–6  
 FRA, 235–6
- European Monitoring Centre for  
 Racism and Xenophobia  
 (EUCM), 230–1
- European Movement, 8
- European Neighborhood Instrument  
 (ENI), 276–7
- European Neighborhood Policy (ENP),  
 276–7
- European Network of Legal Experts in  
 Gender Equality and Non-  
 Discrimination (Equality  
 Network), 237
- European Parliament (EP), 216–20  
 administrative structure, 217  
 authority of, 217–19  
 citizen's right to petition, 357–8, 451  
 data protection rights reform, 258–9  
 EU external policy, 219–20  
 European Commission, 214–16  
 evolution, 216–17  
 external activities, 369–70  
 fundamental rights, 220, 288–9, 372  
 human rights cases, 272–3  
 MEPs, 217  
 purpose and functions, 217–19  
 SEA and, 218–19  
 Treaty of Lisbon, 217, 219  
 Treaty of Maastricht, 218–19  
 universal suffrage, 240
- European Social Charter (ESC)  
 CE, 10, 74–6, 125–6  
 ECHR, 76
- European Stability Mechanism (ESM),  
 302–3
- European Trade Union Confederation  
 (ETUC), 77–9
- European Union (EU). *See also* British  
 Exit; European Communities  
 accession to ECHR, 38–9, 245–8  
 ECJ rulings, 247–8  
 Treaty of Lisbon, 246–7  
 applicant states, 283–7  
 Copenhagen criteria, 284–5  
 enforcement mechanisms, 286–7  
 political conditionality criteria,  
 283–4  
 consolidation of, 17–28  
 constitutionalization, 28, 50, 118  
 crisis management strategies, 36–9  
 development of, 17–28  
 Dublin System, 44–5  
 enlargement of, 17–28  
 expert networks, 236–7  
 CFR-CDF, 236  
 Equality Network, 237  
 external human rights protections  
 activities, 369–70  
 FRA, 37  
 fundamental rights, 209–10  
 human rights challenges, 39–50  
 Brexit, 46–9  
 mass migration, 43–6  
 post-2008 economic crisis, 39–40  
 terrorism, 40–3  
 institutional framework for, 210–26.  
*See also specific institutions*  
 internal human rights activities,  
 370–403  
 internal policies, 237–65. *See also*  
*specific policies*  
 legitimacy of, 49  
 mass migration  
 Dublin System, 44–5  
 under Dublin System, 44–5  
 European Convention on the  
 Legal Status of Migrant  
 Workers, 44

- European Union (EU). (*cont.*)  
 human rights challenges, 43–6  
 QMV system, 45  
 Turkey, 45–6  
 Ombudsman, 226–30  
 CFR, 230  
 complaint process, 227  
 creation of, 226  
 institutional administrative  
 practices influenced, 228–30  
 mandate restrictions, 230  
 parliamentarisation, 217–18  
 Treaty of Amsterdam, 28  
 Treaty of Lisbon, 37–8  
 Treaty of Nice, 36–8  
 European Union (EU) law (EU law).  
*See also* case law, ECJ; case law,  
 ECtHR  
 domestic law, 203–4  
 ECHR, 203  
 Convention violations, 204–5  
 EU law, 383  
 ECJ case law  
 Accession Agreement, 326–7  
 ECJ case law and  
 private parties, 306–7  
 fundamental rights  
 incorporation of, 238–44  
 secondary legislation, 254–65  
 national constitutional law and, 322–4  
 Euroscepticism, 49  
 value-based, 290  
 evolutive interpretation, 132–3  
 expert networks, in EU, 236–7  
 CFR-CDF, 236  
 Equality Network, 237  
 expulsion of nationals, 426  
 extradition, 395–6  
 extraterritoriality, 136–7  
 fair and just working conditions, 448  
 fair trial. *See also* Article 6, ECHR  
 CFR, 361–2, 452  
 in ECHR, 408  
 scope of, 398–401  
 family, rights to respect for and to  
 found, 161–7. *See also* Article 8,  
 ECHR; Article 12, ECHR  
 CFR, 334–5, 443  
 in ECHR, 409  
 scope of, 389–91  
 FC. *See* Framework Convention for the  
 Protection of National  
 Minorities  
 federalism, 52–3  
 forced labour  
 defined, 147–8  
 ECHR, 407  
 Human Trafficking Directive, 261  
 prohibition of, 147–8, 330. *See also*  
 Article 4, ECHR; Article 5,  
 ECHR  
 soft law, 261–2  
 formal legitimacy, 121  
 Founding Treaties, 374  
 FRA. *See* EU Agency for Fundamental  
 Rights  
 Framework Convention for the  
 Protection of National  
 Minorities (FC), 84–90  
 development of, 84–7  
 human rights protections, 87–9  
 inter-ethnic violence, 84–7  
 free elections, 197–200  
 ECHR, 424  
 scope of, 397–8  
 free placement services, 350, 448  
 free speech. *See* freedom of expression  
 freedom from religion, 391–2  
 freedom of assembly and association,  
 179–84  
 CFR, 337–8, 444  
 ECHR, 410  
 scope of, 393–4  
 freedom of conscience, 168–72. *See also*  
 Article 9, ECHR  
 CFR, 335–6, 444  
 scope of, 391–2  
 freedom of expression, 172–9. *See also*  
 Article 10, ECHR  
 CFR, 337, 444  
 citizens' rights, 357  
 ECHR, 409–10  
 purpose and function, 172–3  
 scope of, 392–3  
 freedom of information, 444

- freedom of movement, 353–4, 358,  
 451–2  
 ECHR, 426  
 scope of, 398
- freedom of religion, 168–72. *See also*  
 Article 9, ECHR; religious  
 diversity  
 CFR, 335–6, 444  
 ECHR, 409  
 scope of, 391–2
- freedom of residence, 398
- freedom of thought, 168–72. *See also*  
 Article 9, ECHR  
 CFR, 335–6, 444  
 ECHR, 409  
 scope of, 391–2
- freedoms as rights in CFR, 331–44,  
 443–6
- arts and sciences, 338, 444
- conducting a business,  
 339–41, 445
- data protection, 332–4, 443
- education, 338–9, 444–5
- employment, 445
- expression, 337, 444
- freedom of assembly and association,  
 337–8, 444
- freedom of thought, 335–6, 444
- home and communication, 334–5
- information, 444
- intellectual property rights, 342–3
- liberty and security, 331–2, 406–8,  
 443
- marriage rights, 335, 443
- property, 341–2
- religion, 335–6, 444
- respect for and to found a family,  
 161–7, 334–5, 443
- friendly settlement, in ECtHR cases,  
 418
- Frontex. *See* European Agency for the  
 Management of Operational  
 Cooperation at the External  
 Borders
- fundamental rights. *See also* Charter of  
 Fundamental Rights; European  
 Convention on Human Rights;  
*specific Articles*
- citizenship, 241
- data protection rights, 257–9  
 CFR, 332–4  
 Council of the European Union,  
 258–9  
 DPC, 258–9  
 DPD, 258–9  
 EP, 258–9
- Decalogue, 4
- EC, 267–8
- ECJ, 238–40, 245–6
- enforcement mechanisms, 262–5  
 ECJ, 262–3  
 infringement proceedings, 262–3  
 preventive procedures, 263–5  
 sanctioning procedures, 263–5  
 TEU, 263–5  
 TFEU, 262–3
- EP, 220, 288–9, 372
- EU, 209–10
- EU law  
 incorporation into, 238–44  
 secondary legislation, 254–65
- European Council, 288
- external policies, 265–87  
 limitations of, 277–8  
 through third states, 267–81
- freedom from discrimination, 255–7
- gender equality, 255–7
- human rights, 1–3
- rights about human rights, 2–3
- SEA, 245
- soft law instruments, 260–2
- TEU, 241–2, 244  
 enforcement mechanisms,  
 263–5
- TFEU, 244, 262–3
- third states, 267–81  
 civilian operations, 277  
 ENI, 276–7  
 ENP, 276–7  
 military operations, 277  
 political conditionality, 270–2
- Treaty of Amsterdam, 241–2
- Treaty of Lisbon, 244, 268
- Treaty of Maastricht, 241, 268
- Treaty of Nice, 243–4, 268
- Fyfe, David Maxwell, 11–12

- gender equality  
 CFR, 255, 347, 446–7  
 Equal Employment Directive, 256–7  
 Equal Pay Directive, 255–6  
 Equal Treatment Directive, 255–6  
 equality between spouses, 432  
 as fundamental right, 255–7  
 Horizontal Directive, 257  
 Race Directive, 257  
 sex discrimination, 374  
 Treaty of Amsterdam, 256
- German constitutional law, 322
- Gil-Robles, Álvaro, 68–9
- Grand Chamber of ECtHR, 415, 418–19  
 admissibility decisions, 415  
 judges, 100–1, 413–14  
 merits of, 415  
 powers of, 415  
 referrals, 419  
 relinquishment of jurisdiction, 415
- Hammarberg, Thomas, 69
- health care rights, 352, 449
- Helsinki Final Act, 4
- Helsinki process, 4
- home and correspondence  
 CFR, 334–5  
 ECHR, 163
- Horizontal Directive, 257
- human dignity, 328–30, 442–3. *See also*  
 slavery  
 human trafficking, 330  
 inhuman and degrading treatment  
 and punishments, 329–30  
 prohibition of slavery, 147–8, 330,  
 442–3  
 ECHR, 407  
 Human Trafficking Directive, 261  
 scope of, 388  
 soft law, 261–2  
 prohibition of torture, 142–6,  
 329–30, 386–7, 442–3  
 right to integrity, 442  
 right to life, 329, 442
- human rights. *See also* European  
 Convention on Human Rights  
 after Brexit, 46–9  
 challenges for CE and EU, 39–50  
 Brexit, 46–9  
 Euroscepticism, 49  
 mass migration, 43–6  
 overview, 55–6  
 post-2008 economic crisis, 39–40  
 rights scepticism, 49  
 terrorism, 40–3  
 in China, 279  
 Council of the European Union, 223  
 defined, 266  
 democracy and, 24  
 EP, 272–3  
 European Communities' lack of  
 interest, 24–8  
 European Council, 271–2  
 Framework Convention for the  
 Protection of National  
 Minorities, 87–9  
 fundamental rights, 1–3  
 individual rights, 2  
 Lomé Conventions, 270–1  
 mass migration, 43–6  
 in Myanmar, 278–9  
 political conditionality, 270–2  
 rights about human rights, 2–3  
 rule of law, 24  
 Treaty of Lisbon, 56–7  
 in Uganda, 270  
 universal, 2
- human rights law. *See also specific  
 conventions*  
 development of, 3–5  
 institutionalization of, 5–17  
 League of Nations, 5  
 origins, 5–17  
 UDHR, 5–6
- human trafficking, 330
- Human Trafficking Directive, 261
- identity. *See* politics of identity  
 ideology. *See* politics of ideology  
 IGCs. *See* Intergovernmental  
 Conferences  
 immunity for judges, 421  
 impartiality under Article 6 ECHR,  
 157  
 implied rights, 132

- imprisonment for debt, 426
- indirect horizontal effect, 309
- individual applications process for
  - ECtHR, 94–104, 416
  - adjudication of merits, 94–5
  - increased application rates, 99–100
  - lodging of complaints with Registry, 94
  - remedial actions in, 101–3
- individual justice, 107–20
- individual rights, 2
- infringement proceedings, 262–3
- inhuman and degrading treatment. *See also* Article 3, ECHR; Article 4, ECHR
  - in CFR, 329–30
- institutional administration, 354–5, 450–1
- intellectual property, 342–3
- inter-ethnic violence, 84–7
- Intergovernmental Conferences (IGCs), 243
- intergovernmentalists, 6–7
- international law
  - ECHR and, 203
  - Convention violations, 204–5
- interordinal constitutionalism, 52–3
- interpretation
  - for Article 5 ECHR, 152–3
  - ECHR in EU law, 383
  - ECJ case law, 378–84
    - CFR applications, 321–2, 381–3
  - ECtHR case law, 378–84
    - autonomous, 132–3
    - constitutional principles, 134–5
    - evolutive, 132–3
    - formal, 131
    - teleological principle, 131–2, 134–5
- inter-state cases in ECtHR, 13–14, 20, 29–30, 93–4, 416
- judges in ECtHR, 11–12, 412–13
  - Chambers, 100–1, 413–14
  - criteria for office, 412
  - dismissal, 413
  - election, 412
- immunities, 421
  - number, 412
  - privileges, 421
  - single-judge formation, 413–15
  - terms of office, 413
- judgments
  - by ECJ
    - data protection rights, 332–4
    - national constitutional law, 323–4
  - by ECtHR, 419–20
    - accountability, 121–2
    - binding force, 419–20
    - CE supervision, 104–7
    - decision-making, 419
    - dissenting judgments, 130
    - execution, 104–7, 419–20
    - final, 419
    - increased numbers, 129
    - terrorism, 40–1
  - pilot, 101–3
- judicial remedies, 359–61
- judicial style in ECHR case law, 135–6
  - activism, 135
  - perfectionism, 135
  - realism, 135
  - self-restraint, 135
- judicially-recognised rights in CFR, 452–3
  - double jeopardy, 453
  - effective remedy, 452
  - fair trial, 452
  - presumption of innocence, 452
  - principle of legality, 452–3
  - proportionality of criminal penalties, 452–3
- Junker, Claude, 43
- jurisdiction of ECtHR, 416
  - relinquishment, 415
- just satisfaction, 418
- justice. *See* constitutional justice; individual justice
- law. *See* European Union law; international law
- League of Nations, 5
- legal aid and assistance, 362–3

- legality, 150–1, 364–5. *See also* Article 7, ECHR  
 CFR, 452–3  
 scope of, 402–3
- legal-rational legitimacy, 121–2
- legitimacy  
 charismatic, 121  
 ECtHR, 49–50, 108, 120–5  
 accountability, 121–2  
 criticisms and complaints, 123–4  
 types, 121  
 EU, 49  
 formal, 121  
 legal-rational, 121–2  
 PACE, 71  
 traditional, 121
- liberty, 331–2. *See also* Article 6, ECHR  
 ECHR, 407–8
- linguistic diversity, 446
- Lisbon Treaty. *See* Treaty of Lisbon
- Lomé Conventions, 270–1
- Luxembourg Accords, 16
- margin of appreciation, 133–4  
 ECHR  
 Article 5, 152–3  
 Article 6, 155  
 Article 8, 164–5  
 Article 9, 171  
 Article 11, 181–3  
 Article 14, 189–90  
 ECJ case law, 317–19
- marriage rights. *See also* Article 12, ECHR  
 CFR, 335, 443  
 ECHR, 410  
 equality between spouses, 432  
 scope of, 391
- mass migration  
 Dublin System, 44–5  
 European Convention on the Legal Status of Migrant Workers, 44  
 human rights challenge, 43–6  
 QMV system, 45  
 from Turkey, 45–6
- May, Teresa, 49
- medical consent, 145
- Members of the European Parliament (MEPs), 217
- Merger Treaty, 16
- Monnet, Jean, 14–15
- morals, 177–8
- Muižnieks, Nils, 69
- Myanmar, 278–9
- national constitutional law, 322–4  
 ECJ judgments, 323–4  
 Germany, 322
- national constitutional rights, 322–4
- NATO. *See* North Atlantic Treaty Organization
- neo-federalism, 52–3
- Network of Independent Experts on Fundamental Rights (CFR-CDF), 236
- NGOs. *See* non-governmental organisations
- non-abuse of rights, 132
- non-discrimination, 344–6, 446
- non-governmental organisations (NGOs), 60–1  
 CPT and, 83–4
- North Atlantic Treaty Organization (NATO), 7  
 CE, 73–4
- ODIHR. *See* Office for Democratic Institutions and Human rights
- OEEC. *See* Organization for European Economic Co-operation
- Office for Democratic Institutions and Human rights (ODIHR), 4
- Ombudsman, EU, 226–30  
 access rights, 451  
 CFR, 230  
 complaint process, 227  
 creation of, 226  
 institutional and administrative practices influenced, 228–30  
 mandate restrictions, 230
- Organization for European Economic Co-operation (OEEC), 15
- Organization for Security and Cooperation in Europe (OSCE)  
 Helsinki Final Act, 4



- ODIHR, 4
  - purpose and function, 3–5
- PACE. *See* Parliamentary Assembly of Council of Europe
- parliamentarisation, of EU, 217–18
- Parliamentary Assembly of Council of Europe (PACE), 18, 63–5, 371
  - legitimacy, 71
  - members, 63–4
  - purpose and function, 64–5
  - peaceful enjoyment of possessions, 193–6
  - petition rights, 357–8, 451
  - pilot judgments, 101–3
  - plenary court in ECtHR, 413
  - pluralism
    - constitutional, 52–3, 291–2
    - defined, 51
    - ECHR, 107–20
    - ECtHR, 107–20
  - political activity of aliens, 411
  - political conditionality, 270–2
    - EU membership, 283–4
    - Treaty of Amsterdam, 284
  - political rights under ECHR, 92–3
  - politics of identity, 84
  - politics of ideology, 84
  - positive obligations, 132
    - ECHR
      - Article 2, 138–40
      - Article 4, 148
      - Article 8, 164
      - Article 9, 169
    - in ECJ case law, 320–1
  - presumption of innocence, 363–4
    - CFR, 452
    - scope of, 401–2
  - principle of autonomous interpretation. *See* autonomous interpretation
  - principle of evolutive interpretation. *See* evolutive interpretation
  - principle of implied rights. *See* implied rights
  - principle of legality. *See* legality
  - principle of non-abuse of rights. *See* non-abuse of rights
  - principle of positive obligations. *See* positive obligations
  - principle of priority to rights. *See* priority to rights
  - principle of proportionality. *See* proportionality
  - principle of universal suffrage. *See* universal suffrage
  - priority to rights, 134–5
  - private life. *See* Article 8, ECHR; family; respect for private and family life
  - private parties
    - ECJ case law
      - CFR applications, 306–11
      - interpretation of secondary legislation, 307–8
      - national law, 308
      - primary EU law, 306–7
  - property. *See also* intellectual property
    - CFR, 445
    - ECHR, 424
    - scope of, 395
  - property, right to, 341–2
  - proportionality, principle of, 133
    - criminal penalties, 364–5
      - CFR, 454
      - scope of, 402–3
  - ECHR
    - Article 2, 142
    - Article 4, 147–8
    - Article 8, 164–5
    - Article 9, 171
    - Article 11, 181–3
  - ECJ case law, 317
  - Protocols to ECHR, 423–39
    - abolition of death penalty, 428, 437–9
    - entry into force, 439
    - prohibition of derogations, 437
    - prohibition of reservations, 438
    - signature and ratification, 438
    - territorial application, 438
    - time of war, 428
  - collective expulsion of aliens, prohibition of, 426
  - compensation for wrongful conviction, 431

- Protocols to ECHR (cont.)  
 content of, 91–2, 95–7  
 depositary functions, 430, 434, 436–7, 439  
 derogations, 429  
 entry into force, 430, 433–4, 436  
 equality between spouses, 432  
 expulsion of nationals, 426  
 freedom of movement, 426  
 influence on ECtHR case law, 193–202  
 miscellaneous rights, 200–2  
 prohibition against discrimination, 435  
 prohibition against double jeopardy, 432  
 prohibition of imprisonment for debt, 426  
 protection of property, 424  
 ratification, 425, 427–30, 433, 436, 438  
 reservations, 429  
 right of appeal, 431  
 right to education, 424  
 right to free elections, 424  
 signature, 425, 427–30, 433, 436, 438  
 territorial application, 424–5, 427, 429, 432–3, 435  
 public hearings for ECtHR cases, 418  
 public interests under Article 10 ECHR, 179  
 punishment without law, 160–1, 409
- qualified majority voting (QMV), 45  
 Council of the European Union, 221–2
- Race Directive, 257  
 rapporteurs for ECtHR, 413  
 refugees. *See* asylum seekers  
 Registry of ECtHR, 94, 413  
 religion. *See* freedom from religion; freedom of religion  
 religious diversity, 446  
 remedies. *See* effective remedy; judicial remedies  
 respect for private and family life, 161–7, 443. *See also* Article 8, ECHR  
 right to respect for home and correspondence, 163  
 scope of, 389–91  
 restriction/limitation on rights, 412  
 right of appeal, 431  
 right to effective remedy. *See* Article 13, ECHR  
 right to fair trial. *See* Article 6, ECHR  
 right to good administration, 354–5  
 right to information, for workers, 349, 447  
 right to integrity, 442  
 right to life. *See also* Article 2, ECHR  
 CFR, 329, 442  
 right to strike, 260  
 rights. *See* CFR; civil rights; ECHR; freedoms as rights; fundamental rights; human rights; political rights  
 rights about human rights, 2–3  
 rights principle, 134–5  
 rights scepticism, 49  
 rule of law, 24  
 Ryssdal, Rolv, 22
- scepticism. *See* Euroscepticism; rights scepticism  
 Schengen Agreements, 27  
 Schuman, Robert, 15  
 Schuman Plan, 15  
 SEA. *See* Single European Act  
 Secretariat of CE, 66  
 Secretary General of CE, 421  
 security, 331–2, 443. *See also* Article 6, ECHR  
 ECHR, 406  
 services of general economic interest, 352–3, 449  
 settlements. *See* friendly settlement  
 sex discrimination, 374  
 signature, to ECHR, 425, 427–30, 433, 436, 438  
 Single European Act (SEA), 25–6, 211–12  
 EP, 218–19  
 fundamental rights, 245  
 single-judge formation in ECtHR, 413–15

- slavery, 147–8, 330, 442–3. *See also*  
 Article 4, ECHR; Article 5,  
 ECHR  
 ECHR, 407  
 Human Trafficking Directive, 261  
 scope of, 388  
 soft law, 261–2
- Slavery Convention, UN, 147
- Social Charter. *See* Community Charter  
 of the Fundamental Social  
 Rights of Workers
- social security, 351–2, 449
- socio-economic rights  
 CFR, 349, 449–50  
 consumer protections, 353, 450  
 health care, 352, 449  
 services of general economic  
 interest, 352–3, 449  
 social security, 351–2, 449  
 TFEU, 352–3
- soft law  
 fundamental rights, 260–2  
 prohibition of slavery and forced  
 labour, 261–2
- solidarity rights, 349–53, 447–50.  
*See also* workers' rights
- special guest status, in CE, 19–20, 63
- Spitzenkandidaten system, 291–2
- Steering Committee for Human Rights  
 (CDDH), in CE, 34–5
- Strasbourg Court. *See* European Court  
 of Human Rights
- TEEC. *See* Treaty Establishing the  
 European Economic  
 Community
- Teitgen, Pierre-Henry, 11–12
- teleological principle, 131–2, 134–5
- territorial application, 422, 424–5, 427,  
 429, 432–3, 435
- terrorism  
 CE responses, 40–3  
 ECtHR judgments, 40–1  
 EU responses, 40–3  
 human rights challenge, 40–3
- TEU. *See* Treaty on European Union
- TFEU. *See* Treaty on the Functioning of  
 the European Union
- third states, 267–81  
 civilian operations, 277  
 ENI, 276–7  
 ENP, 276–7  
 military operations, 277  
 political conditionality, 270–2
- third-party interventions in ECtHR  
 cases, 417
- thought. *See* freedom of thought
- torture. *See also* Article 3, ECHR;  
 European Committee for the  
 Prevention of Torture and  
 Inhuman or Degrading  
 Treatment or Punishment;  
 European Convention for the  
 Prevention of Torture and  
 Inhuman and Degrading  
 Treatment or Punishment  
 defined, 145–6  
 ECHR, 406  
 inhuman and degrading treatment,  
 329–30  
 prohibition, 142–6, 386–7, 442–3  
 CFR, 329–30
- trade unions. *See also* right to strike;  
 workers' rights  
 Article 11 ECHR, 183–4
- traditional legitimacy, 121
- Treaty Establishing the European  
 Economic Community (TEEC),  
 238
- Treaty of Amsterdam, 28  
 freedom from discrimination,  
 256  
 fundamental rights, 241–2  
 gender equality, 256  
 political conditionality, 284  
 sex discrimination, 374
- Treaty of Lisbon, 37–8. *See also* case  
 law, ECJ  
 CFR, 251–2, 374  
 ECJ case law, 322  
 EP, 217, 219  
 EU accession to ECHR, 246–7  
 European Commission, 215–16  
 European Council, 211–12  
 fundamental rights, 244, 268  
 human rights, 56–7

- Treaty of Maastricht, 26–7  
 EP, 218–19  
 fundamental rights, 241, 268
- Treaty of Nice, 36–8  
 fundamental rights, 243–4, 268
- Treaty on European Union (TEU), 26–7  
 Council of the European Union, 223  
 European Council, 212–13  
 fundamental rights, 241–2, 244  
 enforcement mechanisms, 263–5  
 voting rights, 354
- Treaty on the Functioning of the European Union (TFEU), 37  
 European Commission, 216  
 fundamental rights, 244, 262–3  
 socio-economic rights, 352–3  
 voting rights, 354
- tribunals, establishment of, 156–7
- Turkey  
 Cyprus invaded by, 20, 29–30  
 EU migration, 20, 29–30
- UDHR. *See* Universal Declaration of Human Rights
- Uganda Guidelines, for human rights, 270
- UN Human Rights Council. *See* United Nations
- unfair dismissal, 350, 448
- unification model of constitutionalism, 52
- United Kingdom (UK)  
 Brexit  
 CE membership, 48–9  
 ECHR, 47–9  
 ECtHR involvement, 48–9  
 human rights challenges, 46–9  
 influence on fundamental rights, 47–8
- EEC, 25
- European integration, 7–8
- Human Rights Act, 49
- Treaty of London, 8–9
- United Nations (UN)  
 CE, 10  
 HRC, 274–5  
 Slavery Convention, 147
- Universal Declaration of Human Rights (UDHR), 5–6
- universal suffrage, 199. *See also* free elections  
 EP, 240
- use of force in ECtHR case law, 140–2
- value-based Euroscepticism, 290
- Venice commission. *See* European Commission for Democracy through Law
- Vienna Convention on the Law of Treaties, 131
- violence. *See* inter-ethnic violence
- voting rights, 354, 450. *See also* universal suffrage
- Wildhaber, Luzius, 31
- workers' rights, 349–53  
 child labour, 448  
 collective bargaining, 349–50, 448  
 fair and just working conditions, 448  
 free placement services, 350, 448  
 right to information, 349, 447  
 unfair dismissal, 350, 448
- wrongful convictions. *See* compensation for wrongful conviction