

1. Record Nr.	UNINA9910782798803321
Autore	Sottiaux Stefan
Titolo	Terrorism and the limitation of rights : the ECHR and the US constitution / / Stefan Sottiaux
Pubbl/distr/stampa	Oxford ; Portland, OR : , : Hart Publishing, , 2008
ISBN	1-4725-6427-8 1-281-76134-6 9786611761349 1-84731-411-2
Edizione	[1st ed.]
Descrizione fisica	1 online resource (472 p.)
Collana	Human rights law in perspective ; ; v. 12
Disciplina	342.4085
Soggetti	Civil rights - Europe Civil rights - United States Terrorism (International law) Terrorism - Europe Terrorism - United States
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Originally presented as the author's thesis (doctoral)--Universiteit Antwerpen, 2006.
Nota di bibliografia	Includes bibliographical references (pages [411]-435) and index.
Nota di contenuto	1. Introduction -- 2. The Limitation of Rights under the European Convention and the US Constitution -- 3. The Right to Freedom of Expression -- 4. The Right to Freedom of Association -- 5. The Right to Personal Liberty -- 6. The Right to Privacy -- 7. The Right to a Fair Trial -- 8. Conclusion.
Sommario/riassunto	"Taking as a starting point the widely accepted view that states confronted with terrorism must find a proper equilibrium between their respective obligations of preserving fundamental rights and fighting terrorism effectively, this book seeks to demonstrate how the design and enforcement of a human rights instrument may influence the result of that exercise. An attempt is made to answer the question how a legal order's approach to the limitation of rights may shape decision-making trade-offs between the demands of liberty and the need to guarantee individual and collective security. In doing so, special attention is given to the difference between the adjudicative methods of balancing and

categorisation. The book challenges the conventional wisdom that individual rights, in times of crisis, are better served by the application of categorical rather than flexible models of limitation. In addition, the work considers the impact of a variety of other factors, including the discrepancies in enforcing an international convention as opposed to a national constitution and the use of emergency provisions permitting derogations from human rights obligations in time of war or a public emergency."--Bloomsbury Publishing.
