



Current Problems in the Protection of Human Rights: Perspectives from Germany and the UK (Studies of the Oxford Institute of European and Comparative Law)


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While the legal systems of the UK and Germany differ in essential respects, the current process of 'constitutionalization' is well recognized on both sides of the English Channel. 'Constitutionalization' manifests itself in the evolution of a constitution and the influence of existing constitutional principles on the ordinary law. Human rights law provides one of the best examples of this process, and this book provides a comparative UK-German perspective on recent developments. First, the book addresses human rights questions which arise in both jurisdictions in a similar way, such as the tension between liberty and security, absolute rights, such as human dignity and the prohibition of torture, and the question how conflicts between human rights are to be resolved and conceptualized. A second theme considers the impact of human rights on different areas of domestic law, in particular administrative law, criminal law, labor law, and private law generally. Finally, a third theme focuses on the intersection of national, supra-national, and international human rights law, in particular after the entry into force of the EU Charter on Fundamental Rights. The book thus reveals convergent and divergent answers to similar problems, examines differences in impact of human rights on the legal systems under consideration, and traces parallel and distinct debates over human rights, as well as sensitivities that arise in multi-layer situations in the UK and Germany. (Series: Studies of the Oxford Institute of European and Comparative Law - Vol. 17)

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