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JACOBS, WHITE, & OVEY

# The European Convention on Human Rights

FIFTH EDITION

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## FOREWORD

It is once again a great pleasure to welcome this new edition, a fully revised and up-to-date text on the European Convention on Human Rights.

Thoroughly revised by Robin White and Clare Ovey, this book is an extremely usable guide to the Strasbourg system, and a very clear survey of the case-law of the European Court of Human Rights. Avoiding excessive detail, it rightly concentrates on the principles derived from the case-law. As the book demonstrates, the Court has succeeded in treating the Convention as what it has called 'a living instrument', adapting it where appropriate to changing circumstances.

The Convention was fortunately drawn up in broad terms, which lend themselves to an evolving interpretation that can take account of social change and of the remarkable extension of the Convention system to virtually the whole of Europe.

Indeed this book, since it also traces the historical development of the Convention system and its case-law, also tells a remarkable story, recording as it does the extraordinary progress since my first edition was written 35 years ago. At that time, when the system was little known, when acceptance by Member States was optional and few had in fact accepted, it would not have seemed conceivable that there is today a Court of Human Rights with compulsory and automatic jurisdiction over an undivided Europe—and indeed beyond Europe, since the boundaries of the Council of Europe now extend deep into Asia. And the European system of protection of human rights has become a model which other regions of the world have sought to follow.

But, as the authors also show, the success of the European human rights system, reflected in its continuing expansion, has come to threaten its very future. The Council of Europe now has approaching 50 Member States with a total population of many hundreds of millions. While the Court continues to strive valiantly with its ever-increasing caseload, the system is near breaking-point.

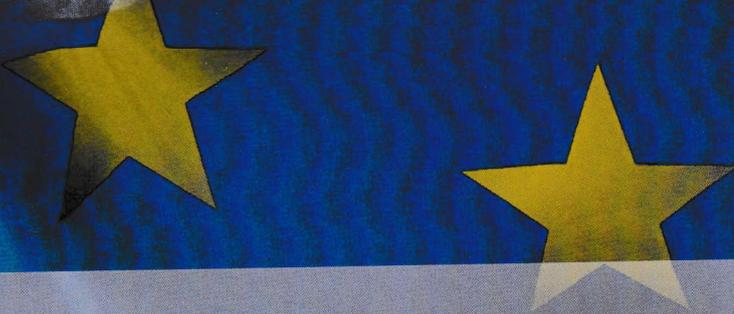
Although, as the book relates, much has been done in recent years to improve the system, urgent reforms are still needed. More effective procedures are also needed within the Member States: the Strasbourg system is, after all, as the Court has stressed, a subsidiary one, to be used only where there is a failure at the national level.

It will not be easy to find the right package of reforms, but it is essential to do so if the system is to survive.

This book should therefore be seen as a spur to action, as well as a major contribution to the study of the European system of protection of human rights.

Francis G. Jacobs

*September 2009*



‘For a course or module concentrating on human rights from a European perspective, [this book] is ideal.’

The Law Teacher

*Jacobs, White, & Ovey: The European Convention on Human Rights* is an indispensable guide to this crucial area of law.

Through a thorough examination of each of the Convention rights, this book lays out the key principles which underpin the decisions made by the European Court of Human Rights at Strasbourg. Lucid and incisive at all times, the lively author commentary leads the reader smoothly through the web of ECHR case law, and explains the significance of the pivotal cases in each area.

By focusing on the European Convention itself, rather than its implementation in any one member state, *Jacobs, White, & Ovey* provides an essential overview and probing analysis of the whole subject for undergraduate and postgraduate students, as well as practitioners working in the field.

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