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# Defence of democracy package & fundamental rights: What is at stake?

Strengthening EU democracy through a resilient civil society

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# In Defence Of Fundamental Rights

**Federico Fabbrini, Edoardo  
Celeste, John Quinn**



## **In Defence Of Fundamental Rights:**

*Transnational Inquiries and the Protection of Fundamental Rights in Criminal Proceedings* Stefano Ruggeri, 2013-01-09  
The protection of fundamental rights in the field of transnational criminal inquiries is of great delicateness in the current tangled web of domestic and international legal sources Due to this complex scenario this research has been carried out from a four level perspective The first part provides a critical analysis of the multilevel systems of protecting fundamental rights from the perspective of supranational and constitutional case law and in the field of international and organized crime The second part focuses on EU judicial cooperation in three main fields financial and serious organized crime mutual recognition tools and individual rights protection The third part provides the perspectives of ten domestic legal systems in two fields i e obtaining evidence abroad and cooperation with international criminal tribunals The fourth part analyses cross border inquiries in comparative law providing a reconstruction of different models of obtaining evidence overseas [NDA / NA General Knowledge \(GK\) Study Notes | National Defence Academy, Naval Academy Defence Entrance Exam - Theory and Practice Tests for Complete Preparation](#) , **Security and Defence: Ethical and Legal Challenges in the Face of Current Conflicts** Juan Cayón Peña, 2022-03-17 This book aspires to face the challenge of analyzing with due academic rigor always in the paradigm of security and advanced sciences but without forgetting the ethical questions that our world raises every day The work is divided into two main sections the first section is focused on the cyber world with not only technical but also legal derivations given the expansion of vulnerabilities and our technological dependence The second section with a more interdisciplinary nature runs through undeniably topical issues such as territorial problems and the potential decline of the traditional States the communicational impact of information management and false news or the commitment to essential freedoms for the West This book connects advanced technologies and ethical issues and includes discussions on recent crises such as COVID 19 It also provides an interdisciplinary view on the ethical issues for security technologies **The European Union and Human Rights** Jan Wouters, Manfred Nowak, Anna-Luise Chané, Nicolas Hachez, 2020-12-17 With the adoption of the Lisbon Treaty the profile of human rights issues has greatly risen in relation to EU policies whether internal or external The EU has thereby made the commitment to ensure that all its actions are compliant with human rights and seek to promote them Yet the EU s commitment has come under scrutiny not only for its ground breaking character but also because recent events have put it to the test This volume has been designed to take stock of these developments to comprehensively discuss the conceptualization and operationalization of the EU s commitment to human rights throughout the EU s relationships policies actions and legislative activity and to critically assess its outcome This title is divided into four parts Framework presents the issues related to human rights promotion by the EU Actors delves into the relationships that play a part at home or abroad in regards to human rights policies and judgements Policies takes a case study approach and systematically reviews a range of EU internal and external policies to assess their human rights impact and implementation and finally

Strategies provides an integrated assessment of the design and implementation of the EU's commitment to human rights. This book brings together essays from around the world each discussing different aspects of EU commitment and evaluating the extent to which the EU is delivering on it. Each chapter provides an introduction to the state of affairs, discusses opportunities and challenges and provides recommendations. As such it is an essential reference book on human rights policies throughout the EU and their impact throughout the world.

**The Court of Justice of the European Union** Kate Shaw, 2018-03-20. In the Court of Justice of the European Union, Subsidiarity and Proportionality. Kate Shaw sets out how a subsidiarity and proportionality review applied to competences could be anchored by the Court of Justice when balancing the competing interests in cases concerning the residency rights of EU citizens. The book also considers the extent to which a court which is dedicated to enhancing the European project is really able to be an independent arbiter between the EU and the Member States in this context. Both the legal reasoning of the Court and the controversial nature of residency rights of EU citizens are legally and politically very topical at the moment and of interest to legal academics and law students.

**Strengthening the Responsibility to Protect** Richard Illingworth, 2023-11-02. This book provides a systematic analysis of reform measures aimed at strengthening the implementation of the Responsibility to Protect (R2P) doctrine utilising a cosmopolitan lens. In 2005 member states of the United Nations (UN) accepted a Responsibility to Protect against four mass atrocity crimes: genocide, crimes against humanity, war crimes and ethnic cleansing. Despite this commitment, mass atrocities remain a pervasive aspect of the international landscape. In addressing R2P reform, the book utilises a transitional cosmopolitan lens. The aim of this transitional cosmopolitan approach is to promote incremental progress towards solving moral problems by operating within particular contexts and practical barriers to change. Three areas for reform are explored: the UN Security Council P5's power of veto to prevent the veto obstructing timely and decisive R2P response; action by the powers of the UN General Assembly as an alternative means for responding to mass atrocity situations; and the establishment of an R2P Commission to hold states accountable for their R2P commitments. These are not advocated as the definitive areas for R2P reform. However, each of the recommendations made can contribute at least some positive progress towards a more cosmopolitan application of the R2P that would help in curbing mass atrocity and improving the protection of fundamental human rights. This book will be of much interest to students of the Responsibility to Protect, genocide, humanitarian protection and International Relations in general.

**Human Rights in the Council of Europe and the European Union** Steven Greer, Janneke Gerards, Rose Slowe, 2018-03-29. Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms.

*Cosmopolitan War* Cécile Fabre, 2012-09-27. War is about individuals maiming and killing each other and yet it seems that it is also irreducibly collective as it is fought by groups of people and more often than not for the sake of communal values such as territorial integrity and national self-determination. Cécile Fabre articulates and defends an ethical account of war in which the individual as a moral and rational agent is the fundamental focus for concern and respect both as a combatant

whose acts of killing need justifying and as a non combatant whose suffering also needs justifying She takes as her starting point a political morality to which the individual rather than the nation state is central namely cosmopolitanism According to cosmopolitanism individuals all matter equally irrespective of their membership in this or that political community Traditional war ethics already accepts this principle since it holds that unarmed civilians are illegitimate targets even though they belong to the enemy community However although the traditional account of whom we may kill in wars is broadly faithful to that principle the traditional account of why we may kill and of who may kill is not Cosmopolitan theorists for their part do not address the ethical issues raised by war in any depth Fabre s *Cosmopolitan War* seeks to fill this gap and defends its account of just and unjust wars by addressing the ethics of different kinds of war wars of national defence wars over scarce resources civil wars humanitarian intervention wars involving private military forces and asymmetrical wars

*Personality and Data Protection Rights on the Internet* Marion Albers, Ingo Wolfgang Sarlet, 2022-03-12 This book focuses on protection needs and new aspects of personality and data protection rights on the Internet presenting a comprehensive review that discusses and compares international European and national Brazilian German Pakistani perspectives It deals with overarching questions such as whether universal minimum standards of privacy protection can be developed or how regional data protection rights can be safeguarded and enforced extraterritorially given the conditions of the Internet Furthermore the book addresses new challenges and novel rights e g data retention and protection against mass surveillance the right to be forgotten rights to anonymity legal issues of the digital estate or rights relating to algorithmic decision making Furthermore the book explores how well known paradigms such as liability for personality rights violations or damages have to be adapted in view of the significant role of intermediaries *The Legitimacy of EU Criminal Law* Irene

Wieczorek, 2020-07-09 This book traces the history of the EU competence EU policy discourse and EU legislation in the field of criminalisation from Maastricht until the present day It asks Why EU Criminal Law looking at what rationales the Treaty policy document and legislation put forth when deciding whether a certain behaviour should be a criminal offence To interpret the EU approach to criminalisation it relies on both modern and post modern theoretical frameworks on the legitimacy of criminal law read jointly with the theories on the functions of EU harmonisation of national law The book demonstrates that while EU constitutional law leans towards an effectiveness based enforcement driven understanding of criminal law the EU has in fact in more than one instance adopted symbolic EU criminal law ie criminal law aimed at highlighting what values are important to the EU but which is not fit to actually deter individuals from harming such values The book then questions whether this approach is consistent or in contradiction with the values based constitutional identity the EU has set for itself *Courts, Privacy and Data Protection in the Digital Environment* Maja Brkan, Evangelia

Psychogiopoulou, 2017-05-26 Through critical analysis of case law in European and national courts this book reveals the significant role courts play in the protection of privacy and personal data within the new technological environment It

addresses the pressing question from a public who are increasingly aware of their privacy rights in a world of continual technological advances namely what can I do if my data privacy rights are breached

**On the Right of Exclusion: Law, Ethics and Immigration Policy** Bas Schotel, 2013-03 First Published in 2011 Routledge is an imprint of Taylor Francis an informa company

**Trade Secrets Legal Protection** Luc Desautnettes-Barbero, 2023-06-10 Despite the economic relevance of trade secrets their legal protection is not based on a robust theoretical corpus and a large uncertainty remains regarding how they should be legally apprehended The present book investigates the foundations of their legal protection by assessing its justifications and aims to define how this legal apprehension should be organized The book starts with a comparative analysis of the US and the EU legal frameworks It demonstrates the parentship existing between the two systems of protection and highlights that the incremental structuring of trade secrets protection has led to legal systems lacking broad based conceptual foundations In both legal orders trade secrets rely on blurred protection formally anchored in unfair competition the strength of which however comes closer to that offered by intellectual property law In this convoluted architecture the judiciary is required to play a decisive role especially at the enforcement stage However the absence of clarity concerning the telos of trade secrets protection leads to legal uncertainty potentially incoherent enforcement and all in all to inefficient outcomes from a welfare perspective The book then explores a theoretical framework based on a distinction between two legal objects the undertakings secret sphere and secret pieces of information Securing the undertakings secret sphere appears as a condition for the competition process to happen in an economy working under structural uncertainty It requires objective regulations enforced by public authorities On the other hand the legal apprehension of secret pieces of information should be considered as falling within the realm of immaterial goods regulation aiming to solve the deficit of marketability of this type of good This might call after conducting a careful policy trade off for the establishment of relative i e inter partes subjective rights

**Exchange of Information and Data Protection in Cross-border Criminal Proceedings in Europe** Ángeles Gutiérrez Zarza, 2014-09-08 In the past 10 years the Member States of the European Union EU have intensified their exchange of information for the purposes of preventing and combating serious cross border crime as manifested in three main aspects Firstly there is a need to ensure the practical application of innovative principles availability mutual recognition and concepts Information Management Strategy European Information Exchange Model for tackling criminal organisations and networks that threaten the Internal Security of the EU Secondly there has been a gradual consolidation of EU agencies and bodies Eurojust Europol aimed at promoting cooperation and dialogue among law enforcement officials and judicial authorities responsible for preventing and combating drug trafficking trafficking in human beings child pornography and other serious trans national offences Thirdly important EU information systems and databases Pr m SIS II ECRIS have been created enabling law enforcement and judicial authorities to gain access to essential information on criminal phenomena and organisations Pursuing a practice orientated approach this

work provides comprehensive coverage of all these measures as well as the applicable rules governing data quality data protection and data security It is especially intended for law enforcement and judicial authorities who need to develop the appropriate expertise for the practical application of the above mentioned principles It also offers a solid basis of practical training material for police training centres and judicial schools

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**The Right to Data Protection** Felix Bieker,2022-05-06 This book advances an approach that combines the individual and the structural systemic dimensions of data protection It considers the right to data protection under the EU Charter and its relationship to the secondary legislation Furthermore the case law of the Court of Justice of the EU as well as current academic conceptualizations are analysed The author finds that current approaches invariably link data protection to privacy and often fail to address the structural implications of data processing He therefore suggests a dualistic approach to data protection in its individual dimension data protection aims to protect natural persons and their rights while the structural dimension protects the democratic society as a whole from the adverse effects of data processing Using this approach the full potential of an independent right to data protection can be realized Researchers practitioners and students will find this a valuable resource on the rationales scope and application of data protection Felix Bieker is Legal Researcher at the Office of the Data Protection Commissioner of Schleswig Holstein Unabh ngiges Landeszentrum f r Datenschutz in Kiel Germany

*The European Convention for the Protection of Human Rights* Mireille Delmas-Marty,2021-10-25 The reason of State plays an important role under the European Convention for the Protection of Human Rights and Fundamental Freedoms Not only does Article 15 authorize States to take measures derogating from their obligations under the Convention in time of war or other public emergency threatening the life of the nation most of the rights and liberties defined in the Convention are subject to escape clauses as well This book demonstrates first that the system of the Convention is much more ambiguous than could have been expected Secondly it shows on the basis of study carried out in most of the Member States of the Council of Europe that a certain resistance exists to the Convention Neither the ambiguity of the European system nor the resistance of States to the system must be overlooked These should not however conceal the dynamics of the Europe States relationship which could well lead to a more reasoned conception of the reason of State Has a Europe of human rights begun to develop through the complex interplay of national and European norms This is the question raised in this fascinating book Mireille Delmas Marty is professor of Law at the Universit de Paris 1 Panth on Sorbonne and Director of the Section de Sciences Criminelles of the Institute of Comparative Law in Paris

*European Union Law* Catherine Barnard,Steve Peers,2017 Written by experts this innovative textbook offers

students a relevant case focused account of EU law Under the experienced editorship of Catherine Barnard and Steve Peers the text draws together a range of perspectives on EU law designed to introduce students to the key debates and case law which shape this vast subject

**Data Protection Beyond Borders** Federico Fabbrini, Edoardo Celeste, John Quinn, 2021-02-11 This timely book examines crucial developments in the field of privacy law efforts by legal systems to impose their data protection standards beyond their borders and claims by states to assert sovereignty over data By bringing together renowned international privacy experts from the EU and the US the book provides an accurate analysis of key trends and prospects in the transatlantic context including spaces of tensions and cooperation between the EU and the US in the field of data protection law The chapters explore recent legal and policy developments both in the private and law enforcement sectors including recent rulings by the Court of Justice of the EU dealing with Google and Facebook recent legislative initiatives in the EU and the US such as the CLOUD Act and the e evidence proposal as well as ongoing efforts to strike a transatlantic deal in the field of data sharing All of the topics are thoroughly examined and presented in an accessible way that will appeal to scholars in the fields of law political science and international relations as well as to a wider and non specialist audience The book is an essential guide to understanding contemporary challenges to data protection across the Atlantic

Data Protection and Privacy: (In)visibilities and Infrastructures Ronald Leenes, Rosamunde van Brakel, Serge Gutwirth, Paul De Hert, 2017-02-07 This book features peer reviewed contributions from across the disciplines on themes relating to protection of data and to privacy protection The authors explore fundamental and legal questions investigate case studies and consider concepts and tools such as privacy by design the risks of surveillance and fostering trust Readers may trace both technological and legal evolution as chapters examine current developments in ICT such as cloud computing and the Internet of Things Written during the process of the fundamental revision of revision of EU data protection law the 1995 Data Protection Directive this volume is highly topical Since the European Parliament has adopted the General Data Protection Regulation Regulation 2016 679 which will apply from 25 May 2018 there are many details to be sorted out This volume identifies and exemplifies key contemporary issues From fundamental rights and offline alternatives through transparency requirements to health data breaches the reader is provided with a rich and detailed picture including some daring approaches to privacy and data protection The book will inform and inspire all stakeholders Researchers with an interest in the philosophy of law and philosophy of technology in computers and society and in European and International law will all find something of value in this stimulating and engaging work



The book delves into In Defence Of Fundamental Rights. In Defence Of Fundamental Rights is a crucial topic that must be grasped by everyone, ranging from students and scholars to the general public. The book will furnish comprehensive and in-depth insights into In Defence Of Fundamental Rights, encompassing both the fundamentals and more intricate discussions.

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