



EUROPEAN MASTER'S DEGREE in
HUMAN RIGHTS and DEMOCRATISATION

ABORTION AND EUTHANASIA IN THE LIGHT OF ANY RELEVANT RULES OF INTERNATIONAL LAW

INTERPRETATION CHALLENGES FOR THE EUROPEAN COURT OF HUMAN RIGHTS



EIUC & University of Maastricht

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AUTHOR: VANESSA VILLALIBRE FERNÁNDEZ

SUPERVISOR: MENNO KAMMINGA

ABSTRACT

This study will try to shed light on the use of international sources by the European Court of Human Rights and its influence on the interpretation of the rights guaranteed by the European Convention on Human Rights. During the last years, the Court frequently applies any relevant rules of international law applicable in the relations between the parties. In particular, its jurisprudence refers constantly to human rights treaties and European standards to establish the suitability of the Convention. However, this tendency is still limited concerning controversial notions. In this sense, two issues will be examined in order to illustrate the interpretation challenges for the Court in this field: voluntary abortion and euthanasia.

From a thorough jurisprudential analysis, supported with doctrinal and legal references, it can be observed in the recent years the increase in the application of international instruments by the Court. This trend may entail a deep change in its interpretation methods as far as any relevant rules of international law are susceptible to be taken into account in order to clarify the rights under discussion.

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LIST OF ABBREVIATIONS

ACHR	American Convention on Human Rights
African Charter	African Charter on Human and Peoples' Rights
African Commission	African Commission on Human and Peoples' Rights
African Court	African Court of Justice and Human Rights
American Declaration	American Declaration of the Rights and Duties of Man
AU	African Union
CCPR	Covenant on Civil and Political Rights
CM	Committee of Ministers of the Council of Europe
CoE	Council of Europe
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
EEC	European Economic Community
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
ECJ	European Court of Justice
ECRI	European Commission against Racism and Intolerance
ECSR	European Committee of Social Rights
ECtHR	European Court of Human Rights
EJIL	European Journal of International Law
ESC	European Social Charter
EU	The European Union
EU Charter	Charter of Fundamental Rights of the European Union
GC	European Court of Human Rights Grand Chamber
HRC	Human Rights Committee
HRLJ	Human Rights Law Journal
HRLR	Human Rights Law Review
HRQ	Human Rights Quarterly
IACHR	Inter-American Commission on Human Rights
IACtHR	Inter-American Court of Human Rights

ICLQ	International & Comparative Law Quarterly
ICJ	International Court of Justice
IJHR	International Journal of Human Rights
ILO	International Labour Organization
JECL	Journal of European Criminal Law
NGO	Non-Governmental Organisation
OAS	Organization of American States
PACE	Parliamentary Assembly of the Council of Europe
RCADI	Recueil des Cours de l'Académie de Droit International
RGDIP	Revue Générale de Droit International Public
UDHR	Universal Declaration on Human Rights
UN	United Nations
VCLT	Vienna Convention on the Law of Treaties
WHO	World Health Organisation

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