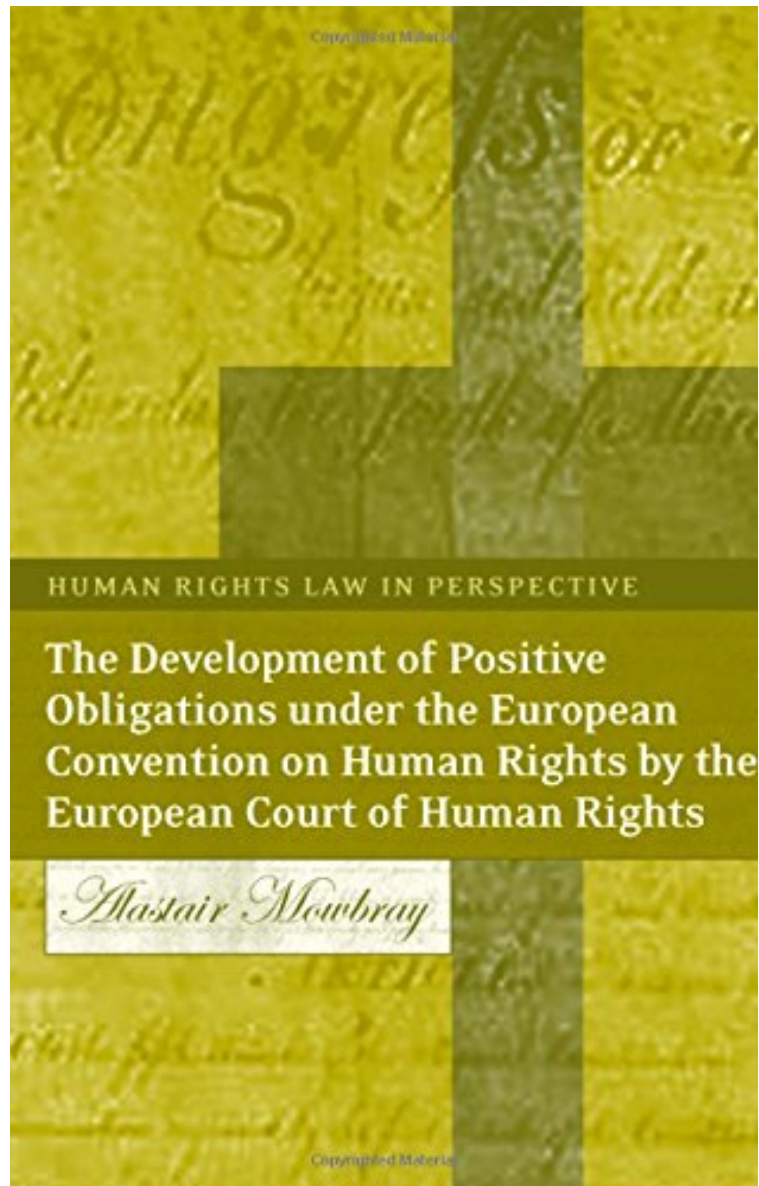


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The Development of Positive Obligations under the European Convention on Human Rights by the European Court of Human Rights (Human Rights Law in Perspective)

Alastair Mowbray

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During the last thirty years the European Court of Human Rights has been developing, at an expanding pace, positive obligations under the European Convention. This monograph provides a critical analysis of the burgeoning case law concerning positive obligations, a topic which is relatively uncharted in the existing literature. Positive obligations require many different forms of action by member states, ranging from effectively investigating killings through to protecting peaceful demonstrators from violent attacks by their opponents. The contemporary significance of these obligations is graphically illustrated by the fact that it is the obligation upon states to provide fair trials to determine civil and criminal proceedings within a reasonable time that is the source of the overwhelming majority of complaints to the European Court in recent years. The study examines the legal bases and content of key positive obligations. Conclusions are then drawn concerning the reasons for the development of these obligations and areas of potential expansion are identified.

This book is highly recommended for anyone interested in human rights protection, be it globally or domestically. Richard Burchill *European Public Law*, Vol 12, no. 2 June 06 From a very practical point of view...this book, which explains the positive obligation case law so clearly, has the potential to serve a very useful purpose...It would serve as an excellent source of additional reading set by academics seeking to introduce students to areas of human rights law that are bound provoke discussion about the role of the Strasbourg Court and the limits to interpretation of the Convention. Ed Bates, *University of Southampton Human Rights Law*, Vol. 5, No. 1 2005 Mowbray's superb study....is a useful reference guide for litigators seeking to understand how far the European Court has gone in creating positive obligations connected to specific rights set forth in the Convention.