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Ordine internazionale e diritti umani

International Legal Order and Human Rights
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DEROGATIONS OF HUMAN RIGHTS WITHIN THE FRAMEWORK OF THE ECHR (IN THE LIGHT OF THE DEROGATIONS BY UKRAINE, FRANCE AND TURKEY)

Within the strict legal framework of Article 15 of the European Court of Human Rights (ECHR), the State can derogate from its obligations regarding human rights under the ECHR. However, Article 15 of the ECHR establishes the Limits and content of the derogations of the mentioned human rights. In addition, there are procedural obligations on notifications and material obligations regarding the limits of the measures. ECHR also provides some guarantees in order to activate the system of derogation of Human Rights. The ECtHR jurisprudence has given a sufficient contribution to a correct interpretation of those rules. Ukraine, France and Turkey are currently exercising this derogation of rights. These cases are analysed in the present article on the basis of ECtHR case law.