

Human rights law is a complex but compelling subject that fascinates, but often confuses, students. International Human Rights Law and Practice explores the subject from a theoretical and practical perspective, guiding students to a rich understanding of the law.

The Inter-American Court of Human Rights was established in with the purpose of enforcing and interpreting the provisions of the American Convention on Human Rights. Its two main functions are therefore adjudicatory and advisory: Under the former, it hears and rules on the specific cases of human rights violations referred to it. Under the latter, it issues opinions on matters of legal interpretation brought to its attention by other OAS bodies or member states. Human rights in Europe The Council of Europe , founded in , is the oldest organisation working for European integration. It is an international organisation with legal personality recognised under public international law, and has observer status at the United Nations. The seat of the Council is in Strasbourg in France. The Council includes all the member states of European Union. The European Court of Human Rights is the only international court with jurisdiction to deal with cases brought by individuals rather than states. At the current rate of proceedings, it would take 46 years for the backlog to clear. The International Criminal Court ICC has jurisdiction over the crime of genocide , war crimes and crimes against humanity. Although these same international bodies also hold jurisdiction over cases regarding international humanitarian law, it is crucial to recognise, as discussed above, that the two frameworks constitute different legal regimes. These include the treaty bodies attached to the seven currently active treaties, and the United Nations Human Rights Council complaints procedures, with Universal Periodic Review and United Nations Special Rapporteur known as the and mechanisms respectively. In practice, many human rights are difficult to enforce legally, due to the absence of consensus on the application of certain rights, the lack of relevant national legislation or of bodies empowered to take legal action to enforce them. The Paris Principles list a number of responsibilities for national human rights institutions. The state backs its claim on the grounds that the crime committed is considered a crime against all, which any state is authorised to punish. The concept of universal jurisdiction is therefore closely linked to the idea that certain international norms are erga omnes , or owed to the entire world community, as well as the concept of jus cogens. In , Belgium passed a "law of universal jurisdiction" to give its courts jurisdiction over crimes against humanity in other countries. Others, like Henry Kissinger , [45] argue that "widespread agreement that human rights violations and crimes against humanity must be prosecuted has hindered active consideration of the proper role of international courts. Universal jurisdiction risks creating universal tyrannyâ€”that of judges".

Chapter 2 : International human rights law - Wikipedia

'Human rights law is an inherently active, political and practical body of law; to understand it and its operation requires familiarity not only with the formal rules, standards and systems but also with the informal, the political and the practical.'

The Universal Declaration of Human Rights is generally agreed to be the foundation of international human rights law. Adopted in 1948, the UDHR has inspired a rich body of legally binding international human rights treaties. It continues to be an inspiration to us all whether in addressing injustices, in times of conflicts, in societies suffering repression, and in our efforts towards achieving universal enjoyment of human rights. It represents the universal recognition that basic rights and fundamental freedoms are inherent to all human beings, inalienable and equally applicable to everyone, and that every one of us is born free and equal in dignity and rights. Whatever our nationality, place of residence, gender, national or ethnic origin, colour, religion, language, or any other status, the international community on December 10 made a commitment to upholding dignity and justice for all of us. Foundation for Our Common Future Over the years, the commitment has been translated into law, whether in the forms of treaties, customary international law, general principles, regional agreements and domestic law, through which human rights are expressed and guaranteed. Indeed, the UDHR has inspired more than 80 international human rights treaties and declarations, a great number of regional human rights conventions, domestic human rights bills, and constitutional provisions, which together constitute a comprehensive legally binding system for the promotion and protection of human rights. The two Covenants have developed most of the rights already enshrined in the UDHR, making them effectively binding on States that have ratified them. They set forth everyday rights such as the right to life, equality before the law, freedom of expression, the rights to work, social security and education. Over time, international human rights treaties have become more focused and specialized regarding both the issue addressed and the social groups identified as requiring protection. The body of international human rights law continues to grow, evolve, and further elaborate the fundamental rights and freedoms contained in the International Bill of Human Rights, addressing concerns such as racial discrimination, torture, enforced disappearances, disabilities, and the rights of women, children, migrants, minorities, and indigenous peoples. Universal Values The core principles of human rights first set out in the UDHR, such as universality, interdependence and indivisibility, equality and non-discrimination, and that human rights simultaneously entail both rights and obligations from duty bearers and rights owners, have been reiterated in numerous international human rights conventions, declarations, and resolutions. Today, all United Nations member States have ratified at least one of the nine core international human rights treaties, and 80 percent have ratified four or more, giving concrete expression to the universality of the UDHR and international human rights. International human rights law lays down obligations which States are bound to respect. By becoming parties to international treaties, States assume obligations and duties under international law to respect, to protect and to fulfil human rights. The obligation to respect means that States must refrain from interfering with or curtailing the enjoyment of human rights. The obligation to protect requires States to protect individuals and groups against human rights abuses. The obligation to fulfil means that States must take positive action to facilitate the enjoyment of basic human rights. Through ratification of international human rights treaties, Governments undertake to put into place domestic measures and legislation compatible with their treaty obligations and duties. The domestic legal system, therefore, provides the principal legal protection of human rights guaranteed under international law. Where domestic legal proceedings fail to address human rights abuses, mechanisms and procedures for individual and group complaints are available at the regional and international levels to help ensure that international human rights standards are indeed respected, implemented, and enforced at the local level.

Chapter 3 : International Human Rights Law and Practice - Ilias Bantekas, Lutz Oette - Google Books

Human rights abuses still occur, despite growing numbers of international treaties and organisations dedicated to their eradication. The LLM in International Human Rights Law and Practice engages you in a critical, nuanced and interdisciplinary examination of this paradox.

The General Idea of Human Rights This section attempts to explain the generic idea of human rights by identifying four defining features. The goal is to answer the question of what human rights are with a general description of the concept rather than a list of specific rights. Two people can have the same general idea of human rights even though they disagree about which rights belong on a list of such rights and even about whether universal moral rights exist. This four-part explanation attempts to cover all kinds of human rights including both moral and legal human rights and both old and new human rights e. The explanation anticipates, however, that particular kinds of human rights will have additional features. Starting with this generic concept does not commit us to treating all kinds of human rights in a single unified theory see Buchanan for an argument that we should not attempt to theorize together universal moral rights and international legal human rights. Lest we miss the obvious, human rights are rights see the entry on rights and Cruft Most if not all human rights are claim rights that impose duties or responsibilities on their addressees or dutybearers. Rights focus on a freedom, protection, status, or benefit for the rightholders Beitz The duties associated with human rights often require actions involving respect, protection, facilitation, and provision. Rights are usually mandatory in the sense of imposing duties on their addressees, but some legal human rights seem to do little more than declare high-priority goals and assign responsibility for their progressive realization. One can argue, of course, that goal-like rights are not real rights, but it may be better to recognize that they comprise a weak but useful notion of a right See Beitz for a defense of the view that not all human rights are rights in a strong sense. A human rights advocate might wish to see human rights exist in all four ways See Section 2. If someone accepted that there are human rights but held that there is only one of them, this might make sense if she meant that there is one abstract underlying right that generates a list of specific rights See Dworkin for a view of this sort. But if this person meant that there is just one such specific right such as the right to peaceful assembly this would be a highly revisionary view. Human rights address a variety of specific problems such as guaranteeing fair trials, ending slavery, ensuring the availability of education, and preventing genocide. Some philosophers advocate very short lists of human rights but nevertheless accept plurality see Joshua Cohen and Ignatieff All living humansâ€”or perhaps all living personsâ€”have human rights. One does not have to be a particular kind of person or a member of some specific nation or religion to have human rights. Included in the idea of universality is some conception of independent existence. People have human rights independently of whether they are found in the practices, morality, or law of their country or culture. This idea of universality needs several qualifications, however. Second, the human right to freedom of movement may be taken away temporarily from a person who is convicted of committing a serious crime. And third, some human rights treaties focus on the rights of vulnerable groups such as minorities, women, indigenous peoples, and children. If human rights did not have high priority they would not have the ability to compete with other powerful considerations such as national stability and security, individual and national self-determination, and national and global prosperity. High priority does not mean, however, that human rights are absolute. Further, there seems to be priority variation within human rights. For example, when the right to life conflicts with the right to privacy, the latter will generally be outweighed. Should human rights be defined as inalienable? Inalienability does not mean that rights are absolute or can never be overridden by other considerations. Rather it means that its holder cannot lose it temporarily or permanently by bad conduct or by voluntarily giving it up. It is doubtful that all human rights are inalienable in this sense. Perhaps it is sufficient to say that human rights are very hard to lose. For a stronger view of inalienability, see Donnelly , Should human rights be defined as minimal rights? A number of philosophers have proposed the view that human rights are minimal in the sense of not being too numerous a few dozen rights rather than hundreds or thousands , and not being too demanding See Joshua Cohen , Ignatieff , Nickel , and Rawls Their views

suggest that human rights are “or should be” more concerned with avoiding the worst than with achieving the best. When human rights are modest standards they leave most legal and policy matters open to democratic decision-making at the national and local levels. This allows them to have high priority, to accommodate a great deal of cultural and institutional variation, and to leave open a large space for democratic decision-making at the national level. Still, there is no contradiction in the idea of an extremely expansive list of human rights and hence minimalism is not a defining feature of human rights for criticism of the view that human rights are minimal standards see Brems and Raz. Minimalism is best seen as a normative prescription for what international human rights should be. Moderate forms of minimalism have considerable appeal, but not as part of the definition of human rights. Should human rights be defined as always including moral rights? Philosophers coming to human rights theory from ethics sometimes assume that human rights must be, at bottom, moral rather than legal rights. There is no contradiction, however, in people saying that they believe in human rights, but only when they are legal rights at the national or international levels. Theorists who insist that the only human rights are legal rights may find, however, that the interpretations they can give of characteristics such as the universality of human rights and of their independent existence are fairly weak. Should human rights be defined in terms of serving some sort of political function? Instead of seeing human rights as grounded in some sort of independently existing moral reality, a theorist might see them as the norms of a highly useful political practice that humans have constructed or evolved. Such a view would see the idea of human rights as playing various political roles at the national and international levels and as serving thereby to protect urgent human or national interests. These political roles might include providing standards for international evaluations of how governments treat their people and as helping to specify when use of economic sanctions or military intervention is permissible. There are powerful advocates of this sort of view see Rawls and Beitz ; see also the entry on John Rawls. These theorists would add to the four defining elements above some set of political roles or functions. This view may be plausible for the very salient international human rights that have emerged in international law and politics in the last fifty years. But human rights can exist and function in contexts not involving international scrutiny and intervention such as a world with only one state. Imagine, for example, that an asteroid strike had killed everyone in all countries except New Zealand, leaving it the only state in existence. Surely the idea of human rights as well as many dimensions of human rights practice could continue in New Zealand, even though there would be no international relations, law, or politics for an argument of this sort see Tasioulas. And if a few people were discovered to have survived in Iceland and were living without a government or state, New Zealanders would know that human rights governed how these people should be treated even though they were stateless. How deeply the idea of human rights must be rooted in international law and practice should not be settled by definitional fiat. We can allow, however, that the sorts of political functions that Rawls and Beitz describe are typically served by international human rights today. The most obvious way in which human rights exist is as norms of national and international law created by enactment and judicial decisions. At the international level, human rights norms exist because of treaties that have turned them into international law. For example, the human right not to be held in slavery or servitude in Article 4 of the European Convention and in Article 8 of the International Covenant on Civil and Political Rights exists because these treaties establish it. For example, the right against slavery exists in the United States because the 13th Amendment to the U. Constitution prohibits slavery and servitude. When rights are embedded in international law we speak of them as human rights; but when they are enacted in national law we more frequently describe them as civil or constitutional rights. Enactment in national and international law is one of the ways in which human rights exist. But many have suggested that this is not the only way. If human rights exist only because of enactment, their availability is contingent on domestic and international political developments. Many people have looked for a way to support the idea that human rights have roots that are deeper and less subject to human decisions than legal enactment. One version of this idea is that people are born with rights, that human rights are somehow innate or inherent in human beings see Morsink. One way that a normative status could be inherent in humans is by being God-given. On this view, God, the supreme lawmaker, enacted some basic human rights. Rights plausibly attributed to divine decree must be very general and abstract life, liberty, etc. But contemporary

human rights are specific and many of them presuppose contemporary institutions e. Even if people are born with God-given natural rights, we need to explain how to get from those general and abstract rights to the specific rights found in contemporary declarations and treaties. Billions of people do not believe in the God of Christianity, Islam, and Judaism. If people do not believe in God, or in the sort of god that prescribes rights, then if you want to base human rights on theological beliefs you must persuade these people of a rights-supporting theological view. This is likely to be even harder than persuading them of human rights. Legal enactment at the national and international levels provides a far more secure status for practical purposes. Human rights could also exist independently of legal enactment by being part of actual human moralities. All human groups seem to have moralities: These moralities contain specific norms for example, a prohibition of the intentional murder of an innocent person and specific values for example, valuing human life. One way in which human rights could exist apart from divine or human enactment is as norms accepted in all or almost all actual human moralities. If almost all human groups have moralities containing norms prohibiting murder, these norms could constitute the human right to life. Human rights can be seen as basic moral norms shared by all or almost all accepted human moralities. This view is attractive but has serious difficulties. Although worldwide acceptance of human rights has been increasing rapidly in recent decades see 4. Universal Human Rights in a World of Diverse Beliefs and Practices , worldwide moral unanimity about human rights does not exist. Human rights declarations and treaties are intended to change existing norms, not just describe the existing moral consensus. Yet another way of explaining the existence of human rights is to say that they exist most basically in true or justified ethical outlooks. On this account, to say that there is a human right against torture is mainly to assert that there are strong reasons for believing that it is always wrong to engage in torture and that protections should be provided against its practice. This approach would view the Universal Declaration as attempting to formulate a justified political morality. It was not merely trying to identify a preexisting moral consensus; it was also trying to create a consensus that could be supported by very plausible moral and practical reasons. This approach requires commitment to the objectivity of such reasons. It holds that just as there are reliable ways of finding out how the physical world works, or what makes buildings sturdy and durable, there are ways of finding out what individuals may justifiably demand of each other and of governments. Even if unanimity about human rights is currently lacking, rational agreement is available to humans if they will commit themselves to open-minded and serious moral and political inquiry. If moral reasons exist independently of human construction, they can “when combined with premises about current institutions, problems, and resources” generate moral norms different from those currently accepted or enacted. The Universal Declaration seems to proceed on exactly this assumption see Morsink One problem with this view is that existence as good reasons seems a rather thin form of existence for human rights.

Chapter 4 : International Human Rights Law and Practice - Kindle eBook Directory - blog.quintoapp.com

Human rights law is a complex but compelling subject that fascinates students but also confuses them. This innovative textbook explores human rights law from a theoretical and practical perspective.

The Concept of Human Rights Ch. Guaranteeing Human Rights by Treaty Ch. Human Rights in Extremis Ch. Domestic Enforcement Mechanisms Ch. Human Rights in the Americas Ch. Coercing Compliance with Human Rights Norms: Sanctions and Armed Intervention Ch. International Criminal Law Ch. In , he was also the Sir Y. He received his A. Professor Hannum has been counsel in cases before the European and Inter-American Commissions on Human Rights and the United Nations; he also has been a member of the boards of several nongovernmental human rights organizations. The Accommodation of Conflicting Rights rev. Problems of Law, Policy, and Process 3d ed. Ask the Author S. James Anaya is the James J. He teaches and writes in the areas of international human rights, constitutional law, and issues concerning indigenous peoples. Professor Anaya received his B. He was on the law faculty at the University of Iowa from to , and he has been a visiting professor at Harvard Law School, the University of Toronto, and the University of Tulsa. Prior to becoming a full time law professor, he practiced law in Albuquerque, New Mexico, representing Native American peoples and other minority groups. Professor Anaya has lectured in many countries in all continents of the globe. He has been a consultant for numerous organizations and government agencies in several countries on matters of human rights and indigenous peoples, and he has represented indigenous groups from many parts of North and Central America before courts and international organizations. He was the lead counsel for the indigenous parties in the landmark case of *Awas Tingni v. Nicaragua*, in which the Inter-American Court of Human Rights upheld indigenous land rights as a matter of international law. Ask the Author Dinah L. Shelton Professor Shelton joined the Law School faculty in Before her appointment, she was professor of international law and director of the doctoral program in international human rights law at the University of Notre Dame Law School from She has also authored many other articles and books on international law, human rights law, and international environmental law. Professor Shelton also serves on the boards of many human rights and environmental organizations. From to , she was the director of the Office of Staff Attorneys at the U. Court of Appeals for the Ninth Circuit. This section is only available to registered, validated professor accounts. If the professor resources still do not appear after logging in, please contact legaledu@wolterskluwer.com. Account validation may take hours.

Chapter 5 : International Human Rights Law and Practice, Cases, Treaties | Wolters Kluwer Legal & Regul

International Human Rights Law & Practice: Cases, Treaties and Materials integrates the law of international tribunals and provides a comparative analysis of this jurisprudence with US and foreign law. Developed as a practitioner's deskbook, it presents extracts from cases frequently unavailable in law libraries for use in pleadings.

Chevening scholarships Awarded by British embassies and high commissions, Chevening Scholarships provide one year of fully-funded postgraduate study in the UK. They are offered to early and mid-career professionals with the potential to become future leaders. We have hosted 34 Chevening Scholars in the past five years and welcome further enquiries and applications. It covers additional costs that are not included in your tuition fee such as expenses for accommodation and study materials. What could be more rewarding for a police officer than to have a placement with another police force abroad. This exposure has stimulated me to appreciate how human rights are embedded into day to day affairs of policing in the UK. Our approach to teaching will provide you with the knowledge, opportunities, and support you need to grow and succeed in a global workplace. Teaching format You will be taught by academics and experienced practitioners in a range of innovative and interactive formats, including: Lectures and guest lectures by renowned practitioners Interactive seminars, workshops Fieldwork in York or Kuala Lumpur Simulation and role-play Independent study and group work Teaching location Most of the teaching activities will take place at the Centre for Applied Human Rights and the York Law School. About our campus Our beautiful green campus offers a student-friendly setting in which to live and study, within easy reach of the action in the city centre. You should be able to speak knowledgeably about unfolding international events to a range of audiences, and collect and interpret qualitative data to support your arguments. The feedback you receive for this work will help you develop your skills and identify areas for improvement. All the professors were really helpful, and really ready to share all their knowledge and experience. The Centre for Applied Human Rights provides a spirit and energy that motivates you to think more passionately about human rights. Career opportunities Previous students have gone on to work for: Argumentation and persuasion skills; Advocacy skills. Teamwork; Project management Analysis: Awareness of international current events; Data collection and interpretation; Practical application of theoretical knowledge; Critical thinking; Problem solving Reflection and self-reflection: Ability to appreciate multiple points of view; Analysis and thought about the self and the social, political and economic environment. Alumni profiles I was a solicitor in the UK, litigating social welfare and other human rights issues, and wanted to transition into international human rights work. The LLM equipped me with the skills and confidence needed to refocus my career.

Chapter 6 : Introduction to International Human Rights: Theory, Law and Practice

Human rights law is a complex but compelling subject that fascinates, but often confuses, students. International Human Rights Law and Practice explores the subject from a theoretical and practical perspective, guiding students to a rich understanding of the law. The second edition has been fully.

Chapter 7 : OHCHR | International Law

International Human Rights Law and Practice Human rights law is a complex but compelling subject that fascinates, elds of human rights and international law, and.

Chapter 8 : International Human Rights Law and Practice by Ilias Bantekas

International Human Rights Law and Practice Human rights law is a complex but compelling subject that fascinates students but also confuses them.

Chapter 9 : Human Rights (Stanford Encyclopedia of Philosophy)

We examine state compliance with three primary norms of international human rights law: the prohibition against torture, the prohibition against disappearance, and the right to democratic governance. Although these norms vary in their degree of obligation, precision, and delegation, states have improved their practices in all three issue-areas.