

Rule of Fear



Human rights in South Africa

Rule Of Fear Human Rights In South Africa

Jean Ho, Mavluda Sattorova



Rule Of Fear Human Rights In South Africa:

The Oxford Handbook of Law and Anthropology Marie-Claire Foblets, Mark Goodale, Maria Sapignoli, Olaf Zenker, 2022 Represents a comprehensive and interdisciplinary treatment to the field of law and anthropology Decentres the standard Anglo Euro centric bias that prevails in both law and anthropology Gives unique perspectives on issues of contemporary relevance Provides the historical background but focuses on the future of the field Book jacket **The Rule of Law in Comparative Perspective** Mortimer Sellers, Tadeusz Tomaszewski, 2010-07-23 This volume compares the different conceptions of the rule of law that have developed in different legal cultures It describes the social purposes and practical applications of the rule of law and how it might be improved in the varied circumstances Overcoming Apartheid James L. Gibson, 2004-04-15 Perhaps no country in history has so directly and thoroughly confronted its past in an effort to shape its future as has South Africa Working from the belief that understanding the past will help build a more peaceful and democratic future South Africa has made a concerted institutionalized effort to come to grips with its history of apartheid through its Truth and Reconciliation Commission In Overcoming Apartheid James L Gibson provides the first systematic assessment of whether South Africa s truth and reconciliation process has been successful Has the process allowed South Africa to let go of its painful past and move on Or has it exacerbated racial tensions by revisiting painful human rights violations and granting amnesty to their perpetrators Overcoming Apartheid reports on the largest and most comprehensive study of post apartheid attitudes in South Africa to date involving a representative sample of all major racial ethnic and linguistic groups Grounding his analysis of truth in theories of collective memory Gibson discovers that the process has been most successful in creating a common understanding of the nature of apartheid His analysis then demonstrates how this common understanding is helping to foster reconciliation as defined by the acceptance of basic principles of human rights and political tolerance rejection of racial prejudice and acceptance of the institutions of a new political order Gibson identifies key elements in the process such as acknowledging shared responsibility for atrocities of the past that are essential if reconciliation is to move forward He concludes that without the truth and reconciliation process the prospects for a reconciled democratic South Africa would diminish considerably Gibson also speculates about whether the South African experience provides any lessons for other countries around the globe trying to overcome their repressive pasts A groundbreaking work of social science research Overcoming Apartheid is also a primer for utilizing innovative conceptual and methodological tools in analyzing truth processes throughout the world It is sure to be a valuable resource for political scientists social scientists group relations theorists and students of transitional justice and human rights *Introduction to the Law of South Africa* C. G. Van der Merwe, J. E. Du Plessis, 2004-01-01 This title is part of an established Series which introduces various legal systems of the world It provides an authoritative and accessible overview of the main branches of South African public private and commercial law Offering insight into the rich system of South African law this title will be of

particular interest to the international legal community The South African legal system has not only developed fascinating mixtures of civil law and common law rules over more than a century but has also experienced a post apartheid South Africa Of particular interest is the way in which so many branches of law have been infused by basic constitutional values Many of the contributors have published work in their own fields and have considerable experience of presenting their subject matter in a broader comparative perspective The succinct and balanced nature of the contributions makes this title attractive to a wide audience of academics students and practitioners with an interest in this remarkable legal system Southern African Update, 1992 The Routledge Handbook of Property, Law and Society Nicole Graham, Margaret Davies, Lee Godden, 2022-11-14 This handbook brings together diverse perspectives major topics and multiple approaches to one of the biggest legal institutions in society property Property touches on many fundamental human questions It involves decisions about power economy morality work and ecology It also involves ideas about where humans fit in the world and how humans relate to more than human life This book will ask in myriad ways such questions as what property means what kinds of property there are what is and should be the relationship between owned and owner and what is the impact of different forms of property on life in this world Drawing on a range of socio legal and empirical methodologies renowned scholars and rising stars in property from around the world present current issues and map future directions in research Coming from the place of law but reaching out through cognate disciplines this handbook provides a comprehensive and accessible survey of current research at the interface of property society and the environment This handbook will appeal to students and researchers across a range of disciplines including law sociology geography history and economics **Law's Wars** Richard L. Abel, 2018-08-16 Law's Wars is the first comprehensive account of efforts to resist and correct rule of law violations in the US war on terror **Conscientious Objection to Military Service in International Human Rights Law** Ö. Ç?nar, 2013-12-17 This book examines the right to conscientious objection in international human rights law It begins with an exploration of the concept of conscience and its evolution Ozgur Heval o inar analyzes human rights law at both the international and regional level considering UN European and inter American mechanisms *Freedom of Religion, Security and the Law* Nataschia Marchei, Daniela Milani, 2024-05-27 This collection addresses many of the issues arising from the management of religious and cultural diversity in a multicultural society and refers to the complex relationship between the right to religious freedom and security In recent decades and particularly since September 2001 the right to religious freedom which has hitherto been widely protected has come up against a significant challenge in terms of security or rather in the subjectively and publicly perceived feelings of security This book collects original theoretical legal and comparative contributions addressing several implications for the right to freedom of religion or belief through the lens of security It offers a new key to understanding how to manage the processes of integration of religious diversity in multifaith societies Written by leading experts in the area the work reveals the importance of avoiding simplistic conclusions and unfounded

prejudices about religious freedom and of limiting restrictive or repressive interventions to situations of genuine danger The book will be an essential resource for researchers academics and policy makers working in the areas of Law and Religion Human Rights Law and Security Studies **Constitutional Democracy in Africa: Constitutionalism, authoritarianism and statism** Benjamin Obi Nwabueze, 2003 This five volume work received a Special Commendation in the 2005 Noma Award for Publishing in Africa The Jury cited the work as A magisterial and authoritative treatment of all aspects of constitutional democracy in Africa The author cares very deeply about democracy thriving in Africa but never weakens his objectivity in assessing its history or prospects It places the author securely as one of Africa s great scholars **African Human Rights Law Journal Volume 20 No 2 2020** ,2020-01-01 In 2020 the African Human Rights Law Journal AHRLJ or Journal celebrates 20 years since it first was published The AHRLJ is the only peer reviewed journal focused on human rights related topics of relevance to Africa Africans and scholars of Africa It is a time for celebration Since 2001 two issues of the AHRLJ have appeared every year Initially published by Juta in Cape Town South Africa in 2013 it became as an open access journal published by the Pretoria University Law Press PULP PULP is a non profit open access publisher focused on advancing African scholarship The AHRLJ contains peer reviewed articles and recent developments discussing the latest court decisions and legal developments in the African Union AU and regional economic communities It contains brief discussions of recently published books With a total of 517 contributions in 40 issues 436 articles and 81 recent developments not counting book reviews on average the AHRLJ contains around 13 contributions per issue The AHRLJ is accredited with the International Bibliography of the Social Sciences IBSS and the South African Department of Higher Education Science and Innovation and appears in a number of open access portals including AfricanLii the Directory of Open Access Journals and SciELO Over the 20 years of its existence many significant articles appeared in the AHRLJ According to Google Scholar the mostcited articles that have appeared in the Journal over this period are i T Metz Ubuntu as a moral theory and human rights in South Africa 2011 11 African Human Rights Law Journal 532 559 with 273 citations ii D Cornell and K van Marle Exploring ubuntu Tentative reflections 2005 5 African Human Rights Law Journal 195 220 with 97 citations iii S Tamale Exploring the contours of African sexualities Religion law and power 2014 14 African Human Rights Law Journal 150 177 with 85 citations K Kindiki The normative and institutional framework of the African Union relating to the protection of human rights and the maintenance of international peace and security A critical appraisal 2003 3 African Human Rights Law Journal 97 117 with 59 citations and T Kaime The Convention on the Rights of the Child and the cultural legitimacy of children s rights in Africa Some reflections 2005 5 African Human Rights Law Journal 221 238 with 54 citations This occasion allows some perspective on the role that the Journal has played over the past 20 years It is fair to say that the AHRLJ contributed towards strengthening indigenous African scholarship in general and human rights related themes specifically Before the Journal there was no academic outlet devoted to human rights in the broader African context Both in quantity and

in quality the Journal has left its mark on the landscape of scholarly journals The AHRLJ has provided a forum for African voices including those that needed to be fine tuned Different from many other peerreviewed journals the AHRLJ has seen it as its responsibility to nurture emerging but not yet fully flourishing talent This approach allowed younger and emerging scholars to be guided to sharpen their skills and find their scholarly voices The AHRLJ has evolved in tandem with the African regional human rights system in a dialogic relationship characterised by constructive criticism When the Journal was first published in 2001 the Protocol on the Establishment of an African Court on Human and Peoples Rights African Court Protocol was not yet in force Over the years the Journal tracked the evolution of the African Court on Human and Peoples Rights African Court from a faltering start through a phase when it increasingly expressed itself in an emerging jurisprudence to the current situation of push back by states signalled by the withdrawal by four states of their acceptance of the Court s direct individual access jurisdiction The same is largely true for the African Committee of Experts on the Rights and Welfare of the Child African Children s Committee It was in 2001 that the AU elected the first members of this Committee It first met in 2002 and its first decade or so was lackluster The Committee examined its first state report only in November 2008 and decided its first communication in March 2011 Articles by authors such as Mezum and Sloth Nielsen who also served as members of the Committee and Lloyd placed the spotlight on the work of the Committee Initially these articles primarily served to describe and provide information that otherwise was largely inaccessible but over time they increasingly provided a critical gaze and contributed to the constructive evolution of the Committee s exercise of its mandate By 2011 the African Commission on Human and Peoples Rights African Commission was already quite well established but it also underwent significant growth over the subsequent 20 year period Numerous articles in the Journal trace and analyse aspects of this evolution Contributions in the Journal also cover most of the AU human rights treaties and soft law standards A number of issues contain a special focus section dealing with a thematic issue of particular relevance or concern such as the focus on the Protocol to the African Charter on the Rights of Women 2006 no 1 30 years of the African Charter 2011 no 2 and sexual and reproductive rights and the African Women s Protocol 2014 no 2 The scope of the Journal extends beyond the supranational dimension of human rights Over the years many contributions explored aspects of the domestic human rights situation in countries such as the Democratic Republic of the Congo Eswatini Ethiopia Lesotho Malawi Mauritius Nigeria South Africa Tanzania Uganda and Zimbabwe From time to time the specific focus sections also veered towards domestic human rights protection See for instance the focus on 20 years of the South African Constitution 2014 no 2 on adolescent sexual and reproductive rights in the African region 2017 no 2 on the rule of law in sub Saharan Africa 2018 no 1 and on dignity taking and dignity restorations 2018 no 2

Law and the Politics of Reconciliation Scott Veitch, 2016-04-15 This collection of essays by an international group of authors explores the ways in which law and legal institutions are used in countries coming to terms with traumatic pasts and in some cases traumatic presents In putting to question what is often

taken for granted in uncritical calls for reconciliation it critically analyses and frequently challenges the political and legal assumptions underlying discourses of reconciliation Drawing on a broad spectrum of disciplinary and interdisciplinary insights the authors examine how competing conceptions of law time and politics are deployed in social transformations and how pressing demands for reconstruction reconciliation and justice inform and respond to legal categories and their use of time The book is genuinely interdisciplinary drawing on work in politics philosophy theology sociology and law It will appeal to a wide audience of researchers and academics working in these areas

Economic, Social, and Cultural Rights in International Law Eibe Riedel, Gilles Giacca, Christophe Golay, 2014-03-14 Recent years have seen a remarkable expansion in the scale and importance of economic social and cultural rights ESC rights culminating in the adoption of the Optional Protocol to the International Covenant on Economic Social and Cultural Rights in December 2008 The Protocol gives individuals and groups the ability to bring complaints about rights violations before the UN Committee on Economic Social and Cultural Rights Against this background this book focuses on the question of how fundamental socio economic human rights enshrined in international law are defined interpreted understood and implemented It assesses how effective efforts to realize ESC rights have been and investigates the contemporary challenges obstructing their protection It sets out the impact of the global financial crisis and austerity measures the human rights responsibilities of corporations and trends in the justiciability of those rights at the national and international level The interrelationship between ESC rights and other legal regimes such as trade and investment law environmental law international criminal law and international humanitarian law is also thoroughly examined After an introduction by the editors the book contains seventeen chapters looking at the main questions which shape the progressive realization of ESC rights and their monitoring mechanisms The authors of the chapters both scholars and practitioners adopt interdisciplinary approaches that move beyond traditional analyses of ESC rights In doing so they clarify and illuminate multiple aspects of the law by bringing together the different aspects of ESC rights restating the challenges they face and assessing the progress that has been made in expanding their adoption

The Right to Life under International Law Stuart Casey-Maslen, 2021-09-23 The Right to Life under International Law offers the first ever comprehensive treatment under international law of the foundational human right to life It describes the history content and status of the right considers jurisdictional issues and discusses the application of the right to a wide range of groups such as women children persons with disabilities members of minorities LGBTI persons refugees and journalists It defines the responsibility of not only governments but also the private sector armed groups and non governmental organisations to respect the prohibition on arbitrary deprivation of life It also explains the nature and substance of the duty to investigate potentially unlawful death as well as the mechanisms at global and regional level to promote respect for the right to life

Law, Religion, Health and Healing in Africa M. Christian Green, Faith Kabata, Fortune Sibanda, 2022-12-31 The Covid 19 pandemic was global in its spread and reach as well as in its medical social and economic

effects In many respects the global effort to flatten the curve produced a flattening of experience around the world and a striking coincidence of similar experiences in countries the world over The identity simultaneity and uniformity of experience were also manifest in common concerns at the intersection of law and religion in many nations around the world including Africa The lockdowns and closure of religious worship centres churches mosques and religious organisations of all sorts raised questions of freedom of religion and the related concern for freedom of assembly along with concerns about the relation of religion to science and public health religious channels of communication and religious provision of social services After all health communications and social services are all areas in which African religious organisations play key roles Potential tensions around these issues raised further considerations about the nature of religion state relations the status of religious authority and whether religious and state actors would work together or at odds in addressing the Covid 19 pandemic

The Protection of Economic, Social and Cultural Rights in Africa Danwood Mzikenge Chirwa, Lilian

Chenwi, 2016-10-20 This book critically examines models of domestic regional and international judicial protection of economic cultural and social rights in Africa

Law and Social Policy in the Global South Ulrike Davy, Albert H.Y. Chen, 2022-12-13 The book is an in depth study of the origins and the trajectories of the law governing social policies in Brazil China India and South Africa four middle income countries in the global South with a history in social policy making that starts in the 1920s The policies of these countries affect almost half of the world's population The book takes the legal framework of the policies as a starting point but the main interest lies behind the letter of the law What were the objectives and goals of social policy over the course of the last 100 years What were the ideas ideologies and values pursued by relevant actors The book comprises four country studies and a comparative study The country studies concentrate on the political and social context of social policy making in Brazil China India and South Africa as well as on the ideas ideologies and values underpinning the constitution statutory laws and case law that frame and shape social policy at the national level The country studies are complemented by a comparative study exploring and describing the commonalities and differences in the ideational approaches to social policies across the four countries nationally and in the formative decades internationally The comparative study also identifies the characteristics that make Brazilian Chinese Indian and South African social policies distinct from European social policies With its emphasis on law and drawing on legal scholarship the book adds a new dimension to the existing accounts on welfare state building which so far are dominated by European narratives and by scholars with a background in sociology political science and development studies This book is relevant to specialists and peers and will be invaluable to those individuals interested in the fields of comparative and international social security law human rights law comparative constitutional law constitutional history law and development studies comparative social policies global social policies social work and welfare state theory The Open Access version of this book available at www.taylorfrancis.com has been made available under a Creative Commons Attribution Non Commercial No Derivatives 4.0

license *Ideology and Criminal Law* Stephen Skinner, 2019-09-05 With populist nationalist and repressive governments on the rise around the world questioning the impact of politics on the nature and role of law and the state is a pressing concern. If we are to understand the effects of extreme ideologies on the state's legal dimensions and powers especially the power to punish and to determine the boundaries of permissible conduct through criminal law it is essential to consider the lessons of history. This timely collection explores how political ideas and beliefs influenced the nature, content and application of criminal law and justice under Fascism, National Socialism and other authoritarian regimes in the twentieth century. Bringing together expert legal historians from four continents the collection's 16 chapters examine aspects of criminal law and related jurisprudential and criminological questions in the context of Fascist Italy, Nazi Germany, Nazi occupied Norway, apartheid South Africa, Francoist Spain and the authoritarian regimes of Brazil, Romania and Japan. Based on original archival, doctrinal and theoretical research the collection offers new critical perspectives on issues of systemic identity, self-perception and the foundational role of criminal law, processes of state repression and the activities of criminal courts and lawyers and ideological aspects of and tensions in substantive criminal law.

Investors' International Law Jean Ho, Mavluda Sattorova, 2021-06-03 This book is the first book-length analysis of investor accountability under general and customary international law, international human rights law, international environmental law, international humanitarian law as well as international investment law. International investment law is currently facing growing criticisms for its failure to address corruption, abuse, environmental damage and other forms of investor misconduct. Reform initiatives range from the rejection of international law as a governing regime for investors to the dramatic overhaul of investment treaties that supposedly enable investor overprotection to the creation of a multilateral international instrument that would enable the litigation of claims against errant businesses before an international tribunal. Whether these initiatives succeed in disciplining investors remains to be seen. What these initiatives undeniably show however is that change is warranted to counteract this lopsided investors' international law. Each chapter in the book addresses a different and underexplored dimension of investor accountability thus offering a novel and consolidated study of international law. The book will be of immense assistance to legal practitioners, academics and policy makers involved in the design, drafting, application and reform of various international instruments addressing investor accountability.

Employment Law in Context David Cabrelli, 2016 A contextual, rigorous treatment of employment law featuring a running case example to show exactly how the law works and including extracts from key cases and source materials.

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