

# Remedies of international Human Rights Law

Remedies in international human rights law refer to the measures and mechanisms available to individuals and groups whose human rights have been violated. These remedies aim to provide justice, accountability and redress for the violations suffered.

Major international and regional human rights treaties demand an effective remedy be available for individual victims of human rights violations. A remedy involves two elements: a victim's access to the appropriate authorities to have his claim fairly heard and decided; and the redress or relief that he can receive.

The right to an effective remedy is the right of a person whose human rights have been violated to legal remedy. Such a remedy must be accessible, binding, capable of bringing perpetrators to justice, provide appropriate reparations, and prevent further violations of the person's rights. The right to an effective remedy guarantees the individual the ability to seek remedy from the state directly rather than through an international process. The right to an effective remedy is commonly recognized as a human right in international human rights instruments.

To ensure enforcement of human rights obligations, various mechanisms exist at national, regional and international levels. At the international level, most of these mechanisms provide vehicles for monitoring compliance. Some offer petition procedures which allow individuals to challenge breaches by the state of their human rights obligations. In some cases, mechanisms are linked to constitutions and national legislation, in others to human rights treaties and in still others to specialized agencies of the UN charged with the enforcement of specific rights, such as labor refugee and health rights. Mechanisms linked to national constitutions and legislation may offer more concrete and enforceable remedies and should usually be tried first, before turning to international petition procedures.

## OBLIGATIONS AFTER HUMAN RIGHTS ABUSES

Transitional justice experts generally identify four important state obligations in violations of human rights:

- 1- Full exploration of the truth,
- 2- Prosecution,
- 3-Reparations, that respect the dignity of each beneficiary, and
- 4- Reforms of state laws and institutions.

ICTJ uses its global network and in-depth comparative experience to advise victims, communities, and policymakers on best practice and real-life challenges when developing policies to meet these obligations.

A remedy must be accessible, binding, capable of bringing offenders to justice, provide appropriate reparations, and prevent further violations of the person's rights. The right to an effective remedy guarantees the individual the ability to

# Remedies In International Human Rights Law

**Francisco Forrest Martin, Stephen J.  
Schnably, Richard Wilson, Jonathan  
Simon, Mark Tushnet**

## **Remedies In International Human Rights Law:**

Remedies in International Human Rights Law Dinah Shelton, 2000 This is the first comprehensive treatment of the topic of remedies for human rights violations and reviews the jurisprudence of international tribunals on these violations It also provides a theoretical framework and a practical guide for lawyers judges and academics interested in human rights law

**Weapons Under International Human Rights Law** Stuart Casey-Maslen, 2014-01-23 This book focuses on how human rights would regulate non lethal weapons through the growing interplay between humanitarian law and human rights law

*International Human Rights Law and Structural Discrimination* Elisabeth Veronika Henn, 2019-07-03 International courts and other actors are increasingly taking into account pre existing social structures and inequalities when addressing and redressing human rights violations in particular discrimination against specific groups To date however academic legal research has paid little attention to this gentle turn in international human rights law and practice to address structural discrimination In order to address this gap this study analyses whether and to what extent international and regional human rights frameworks foresee positive obligations for State parties to address structural discrimination and more precisely gender hierarchies and stereotypes as root causes of gender based violence In order to answer this question the book analyses whether or not international human rights law requires pursuing a root cause sensitive and transformative approach to structural discrimination against women in general and to the prevention protection and reparation of violence against women in particular to what extent international courts and quasi judicial bodies address State responsibility for the systemic occurrence of violence against women and its underlying root causes whether or not international courts and monitoring bodies have suitable tools for addressing structural discrimination within the society of a contracting party and the limits to a transformative approach

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*Routledge Handbook of International Human Rights Law*

Scott Sheeran, Sir Nigel Rodley, 2014-08-07 The Routledge Handbook of International Human Rights Law provides the definitive global survey of the discipline of international human rights law Each chapter is written by a leading expert and provides a contemporary overview of a significant area within the field As well as covering topics integral to the theory and practice of international human rights law the volume offers a broader perspective though examinations of the ways in which human rights law interacts with other legal regimes and other international institutions and by addressing the current and future challenges facing human rights Providing up to date and authoritative articles covering key aspects of international human rights law this book work is an essential work of reference for scholars practitioners and students alike Chapter 35 of this book is freely available as a downloadable Open Access PDF under a Creative Commons Attribution Non Commercial No Derivatives 3.0 license <https://www.routledgehandbooks.com/doi/10.4324/9780203481417.ch35> International Human Rights and Humanitarian Law Francisco Forrest Martin, Stephen J. Schnably, Richard Wilson, Jonathan Simon, Mark Tushnet, 2006-01-16 International Human Rights and Humanitarian Law Treaties Cases and Analysis introduces the reader to the international legal instruments and case law governing the substantive and procedural dimensions of international human rights and humanitarian law including economic social and cultural rights The book which was originally published in 2006 also discusses the history and organisational structure of human rights and humanitarian law enforcement mechanisms A chapter is devoted a chapter to the issues surrounding the incorporation of international law into U S law including principles of constitutional and statutory interpretation conflict rules and the self execution doctrine Questions and comments sections provide critical analyses of issues raised in the materials The last chapter addresses theoretical issues facing contemporary international human rights and humanitarian law and its enforcement **The Fundamentals of International Human Rights Treaty Law** Bertrand G. Ramcharan, 2011-02-14 This book has a simple objective to present the fundamentals of international human rights treaty law in a way that can be helpful to the national leader official or legal adviser whose duty it is to help put a human rights treaty regime into the law and practice in his or her country It is a book of international law as provided for in the principal international and regional human rights treaties and draws upon the jurisprudence and practice of their monitoring organs Chapter I discusses the nature and characteristics of international human rights law Chapter II discusses the concept of a national protection system which must be in place if a human rights treaty is to be adequately implemented Chapter III discusses the jurisprudence and practice of treaty bodies on the foundation issues of democracy and the rule of law Chapter IV discusses human rights in times of crises and emergencies Chapter V discusses preventive strategies Chapter VI discusses the duty of Governments to respect to protect and to ensure human rights Chapter VII discusses the duty of Governments to provide redress for violations that might take place Chapter VIII discusses the essence of supervision in reporting systems Chapter IX discusses the essence of petitions and fact finding procedures Chapter X concludes with a discussion of the bedrock principles of universality equality and justice as they

emerge from the jurisprudence and practice of human rights treaty bodies

**Challenges in International Human Rights Law** Menno T. Kamminga, 2017-10-23 The main challenges within international human rights law are generally thought to be in the fields of transitional justice non state actors terrorism development poverty and environmental degradation This volume of articles not only covers these mainstream challenges but also a wider and more systematic range including justiciability of social and economic rights extraterritoriality health care and investment arbitration The key literature selected for this collection includes articles that have appeared in mainstream journals and books from leading publishers as well as papers that have appeared in lesser known journals hard to find books and UN documents Some of these are classic essays whilst others are more recent additions that reflect the current state of the debate The papers are put into context by a specially commissioned introduction by the volume editor This volume is an invaluable resource for human rights lawyers in search of the key literature in fields outside their own specialization as well as for students researchers and lecturers seeking an overview of the challenges in human rights law

**An Integrative Rights-based Approach to Human Development in Africa** Dejo Olowu, 2009 An integrative rights based approach to human development in Africa by Dejo Olowu 2009 ISBN 978 0 9814124 6 7 Pages x 322 Print version Available Electronic version Free PDF available

*The International Convention on the Elimination of All Forms of Racial Discrimination* Patrick Thornberry, 2016 This Oxford Commentary is the first comprehensive article by article analysis of the provisions of the Convention on the Elimination of All Forms of Racial Discrimination It discusses the conceptual and instrumental framework of the Convention and the CERD Committee and addresses some of the critical challenges confronting the Convention

**The Right to Reparation in International Law for Victims of Armed Conflict** E. Christine Evans, 2012-06-28 Christine Evans assesses the right to reparation for victims of armed conflict in international law and in national practice

*Research Handbook on Compliance in International Human Rights Law* Grote, Rainer, Morales Antoniazzi, Mariela, Paris, Davide, 2021-10-21 This comprehensive Research Handbook offers an in depth examination of the most significant factors affecting compliance with international human rights law which has emerged as one of the key problems in the efforts to promote effective protection of human rights In particular it examines the relationships between regional human rights courts and domestic actors and judiciaries

**The Functions of International Adjudication and International Environmental Litigation** Joshua Paine, 2024-05-30 Uses the focus of environmental disputes to develop a novel comparative analysis of the functions of international courts and tribunals

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**Guide to International Human Rights Practice** Hurst Hannum, 2021-11-22 The standard work in its field this updated and expanded edition presents an eminently practical nuts and bolts guide to international human rights law and practice The

contributors all specialists in their areas of expertise offer a panoramic yet meticulously detailed survey of the many techniques now available to protect human rights at global regional and national levels Appendices include a bibliographic essay that serves as a mini guide to contemporary human rights literature in both print and on line sources Published under the auspices of the Procedural Aspects of International Law Institute PAIL Paperback version of this title is available for classroom adoption only at cost of 25 00 copy 10 copy minimum Published under the Transnational Publishers imprint

*International Law* Malcolm N. Shaw, 2003-09-25 This fifth edition of Malcolm Shaw's bestselling textbook on international law provides a clear authoritative and comprehensive introduction to the subject fully revised and updated to Spring 2003 Basically preserving the structure which made the previous edition so successful a new chapter on Inter state Courts and Tribunals considers the role of the International Court of Justice and the International Tribunal on the Law of the Sea and there is a new chapter on international humanitarian law Also examined are arbitration tribunals and the role of international institutions such as the WTO in resolving conflicts The prosecution of individuals for violations of international law is examined Additional coverage of events in Kosovo and Iraq analyses the questions of humanitarian intervention and the role of the UN Written in a clear and accessible style setting the subject firmly in the context of world politics and the economic and cultural influences affecting it this book remains a highly readable and invaluable resource for students and practitioners alike The scope of the text makes this essential reading for students of international law international relations and the political sciences The book is also valuable to professionals and governmental and international civil servants

**International Criminal Law** M. Cherif Bassiouni, 2008 Volume 3 addresses the direct enforcement system namely international criminal tribunals how they came about and how they functioned tracing that history from the end of WWI to the ICC including the post WWII experiences They address the IMT IMTFE ICTY ICTR the mixed model tribunals and the ICC It also contains a chapter which addresses some of the problems of the direct enforcement system namely the general procedural evidentiary and sanctions parts of ICL which is largely made of what is contained in the statutes of the tribunals mentioned above as well as the jurisprudence of the established tribunals In addition this volume addresses national experiences with the enforcement of certain international crimes It is divided into 4 chapters which are titled as Chapter 1 History of International Investigations and Prosecutions International Criminal Accountability International Criminal Justice in Historical Perspective Chapter 2 International Criminal Tribunals and Mixed Model Tribunals The International Criminal Tribunal for the Former Yugoslavia The International Criminal Tribunal for Rwanda The Making of the International Criminal Court Mixed Models of International Criminal Justice Special Court for Sierra Leone Special Tribunal for Cambodia East Timor Chapter 3 National Prosecutions for International Crimes National Prosecutions for International Crimes National Prosecutions of International Crimes A Historical Overview The French Experience The Belgian Experience The Dutch Experience Indonesia The U S War Crimes Act of 1996 Enforcing ICL Violations with Civil Remedies The Case of the U S

Alien Tort Claims Act Chapter 4 Contemporary Issues in International Criminal Law Doctrine and Practice Command Responsibility Joint Criminal Enterprise The Responsibility of Peacekeepers The General Part Judicial Developments Ne bis in idem Plea Bargains Issues Pertaining to the Evidentiary Part of International Criminal Law Penalties and Sentencing Penalties From Leipzig to Arusha Victims' Rights in International Law

**International Human Rights Law in Africa** Frans Viljoen, 2012-03-29 This book provides a comprehensive and analytical overview of human rights law in Africa. It examines the institutions, norms, and processes for human rights realization provided for under the United Nations system, the African Union, and sub-regional economic communities in Africa and explores their relationship with the national legal systems of African states. Since the establishment of the African Union in 2001, there has been a proliferation of regional institutions that are relevant to human rights in Africa. These include the Pan African Parliament, the Peace and Security Council, the Economic Social and Cultural Council, and the African Peer Review Mechanism of the New Partnership for Africa's Development. This book discusses the links between these institutions. It further examines the case law stemming from Africa's most important human rights instrument, the African Charter on Human and Peoples Rights, which entered into force on 21 October 1986. This new edition contains a new chapter on the African Children's Rights Committee as well as full coverage of new developments and instruments such as the Convention on the Rights of Persons with Disabilities, the Convention on Enforced Disappearances, and the African Charter on Democracy, Elections, and Governance. Three cross-cutting themes are explored throughout the book: national implementation and enforcement of international human rights law; legal and other forms of integration; and the role of human rights in the eradication of poverty. The book also provides an introduction to the relevant human rights concepts.

*Assisting Victims of Terrorism* Rianne Letschert, Ines Staiger, Antony Pemberton, 2009-12-04 The fight against terrorism is receiving increased awareness due to recent worldwide large-scale terrorist acts and only since then has some attention been directed specifically to victims of terrorism. Existing legal instruments of international bodies like the European Union, the Council of Europe, and the United Nations concerning victims of terrorism are relatively abstract or include victims of terrorism under the broader heading of victims of crime in general. In addition, policies and legislation relating to victims of crime or victims of terrorism vary widely on the domestic level. Against this background, the European Union commissioned a project that should aim to develop more extensive standards for the aid and assistance of victims of terrorism at the European level. This study provides the basis from which more extensive standards could be derived. The study focuses particularly on developing standards in the field of continuing assistance, access to justice, administration of justice, and compensation to victims of terrorism. A novel feature of the approach is that also the possible utility of restorative justice approaches is examined. An important question to address was whether there is a real need to adopt specific standards for victims of terrorism, thereby implying that their needs might differ from victims of ordinary crime.

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