

HUMAN RIGHTS LAW IN PERSPECTIVE

Human Rights, Culture and the Rule of Law

Jessica Minquist

Rights Culture And The Law

Scott Sheeran, Sir Nigel Rodley



Rights Culture And The Law:

Human Rights, Culture and the Rule of Law Jessica Almqvist, 2005-09-12 This new book examines the relationship between culture and respect for human rights It departs from the oft made assumption that culture is closely linked to ideas about community Instead it reveals culture as a quality possessed by the individual with a serious impact on her ability to enjoy the rights and freedoms as recognised in international human rights law in meaningful and effective ways This understanding redirects attention towards a range of issues that have long been marginalised but which warrant a central place in human rights research and on the international human rights agenda Special attention is given to the circumstances induced by cultural differences between people and the laws by which they are expected to live The circumstances are created by differing tools know how and skills cultural equipment diverse settlements on matters that are ultimately indifferent from the standpoint of cosmopolitan moral law adiaphora and conflicts having their source in conflicting doctrines ethical religious and philosophical addressing deep questions about the ultimate purpose of human life comprehensive doctrines Each of the circumstances shifts the focus with the aim of securing effective and adequate protection of individual freedom as societies become increasingly diversified in cultural terms and issues arise of access to laws and public institutions exemption from legal obligations for reasons of conscience fair resolution of conflicts having their source in differing ethical religious and philosophical outlooks and excuse for breach of law in case of involuntary ignorance

Human Rights, Culture, and the Rule of Law Jessica Almqvist, 2005 This new book examines the relationship between culture and respect for human rights It departs from the oft made assumption that culture is closely linked to ideas about community Instead it reveals culture as a quality possessed by the individual with a serious impact on her ability to enjoy the rights and freedoms as recognised in international human rights law in meaningful and effective ways This understanding redirects attention towards a range of issues that have long been marginalised but which warrant a central place in human rights research and on the international human rights agenda Special attention is given to the circumstances induced by cultural differences between people and the laws by which they are expected to live The circumstances are created by differing tools know how and skills cultural equipment diverse settlements on matters that are ultimately indifferent from the standpoint of cosmopolitan moral law adiaphora and conflicts having their source in conflicting doctrines ethical religious and philosophical addressing deep questions about the ultimate purpose of human life comprehensive doctrines Each of the circumstances shifts the focus with the aim of securing effective and adequate protection of individual freedom as societies become increasingly diversified in cultural terms and issues arise of access to laws and public institutions exemption from legal obligations for reasons of conscience fair resolution of conflicts having their source in differing ethical religious and philosophical outlooks and excuse for breach of law in case of involuntary ignorance Bloomsbury Publishing **Cultural Human Rights** Francesco Francioni, Martin Scheinin, 2008 What is the relationship between culture and human rights Can

the idea of cultural rights which are predicated on the distinctiveness and exclusivity of a community's beliefs and traditions be compatible with the concept of human rights which are universal and an inherent right to all human beings? If we accept such compatibility, what is the actual content of cultural rights? Who are their beneficiaries: individuals or peoples or groups as collective entities? And what precise obligations do cultural rights pose upon states or other actors in international law or for the international community as a whole? International instruments on the protection of human rights do not provide self-evident answers to these questions. This book seeks to analyse these dilemmas and to assess the impact that they are having on international law and the development of a coherent category of cultural human rights.

Cultural Expertise, Law, and Rights Livia Holden, 2023-05-19

Cultural Expertise: Law and Rights introduces readers to the theory and practice of cultural expertise in the resolution of conflicts and the claim of rights in diverse societies. Combining theory and case studies of the use of cultural expertise in real situations and in a great variety of fields, this is the first book to offer a comprehensive examination of the field of cultural expertise: its intellectual orientations, practical applications, and ethical implications. This book engages an extensive and interdisciplinary variety of topics ranging from race, language, sexuality, Indigenous rights, and women's rights to immigration and asylum laws, international commercial arbitration, and criminal law. It also offers a truly global perspective covering cultural expertise in Africa, Asia, Australia, Europe, Latin America, the Middle East, and North America. Finally, the book offers theoretical and practical guidance for the ethical use of cultural expert knowledge. This is an essential volume for teachers and students in the social sciences, especially law, anthropology, and sociology, and members of the legal professions who engage in cross-cultural dispute resolution, asylum, and migration, private international law, and other fields of law in which cultural arguments play a role. The Open Access version of this book is available at www.taylorfrancis.com and has been made available under a Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 license.

Rights, Culture, and the Law Lukas H. Meyer, Stanley L. Paulson, Thomas Winfried Menko Pogge, 2003

This volume brings together a collection of original papers on some of the main tenets of Joseph Raz's legal and political philosophy: legal positivism and the nature of law, practical reason, authority, group rights, and multiculturalism.

Founding a Global Human Rights Culture for Trade Marks Genevieve Wilkinson, 2023-08-14

This ground-breaking book demonstrates that states are not attentive enough to the serious human rights implications of trade mark protection. Important rights to freedom of expression, health, life, benefits from science and culture, privacy, a fair trial, and protection from discrimination and hate speech are often insufficiently addressed.

The Cultural Dimension of Human Rights Ana Vrdoljak, 2013-11

The intersection between culture and human rights has engaged some of the most heated and controversial debates across international law and theory. To what extent should the law permit cultural defences to general rules? What role does human rights law have in the protection of minority cultures? This volume examines such pivotal questions.

Human Rights Culture in Indonesia Max Regus, 2021-06-08

Drawing on human rights discourse and a study

of the difficulties faced by religious minority groups using the Ahmadiyya minority group as a case study this book presents three interconnected challenges to human rights culture in Indonesia First it presents a normative challenge describing the gap between philosophical and normative principles of human rights on one side and the overall problems and critical issues of human rights at national and local levels on the other Second it considers the political problems in developing and strengthening human rights culture The political challenge addresses the ability or inability of the state to guarantee the rights of certain individuals and minority groups Third it examines the sociological challenge of majority minority group relationships in human rights discourse and practices This book describes the background of human rights in Indonesia and reviews the previous literature on the issue It also presents a comprehensive review of the discourses about human rights and political changes in contemporary Indonesia The analysis focuses on how human rights challenges affect the situation of religious minorities looking in particular at the Ahmadiyya as a minority group that experiences human rights violations such as discrimination persecution and violence The study fills out its treatment of these issues by examining the involvement of actors both from the state and society addressing also the politics of human rights protection

The Culturalization of Human Rights Law Federico Lenzerini, 2014-02-06 The idea of multi culturalism has had a significant impact across many areas of law This book explores how it has shaped the recent development of international human rights law Custodians of human rights especially international monitoring bodies try to advance the effectiveness of human rights standards by interpreting these standards according to a method strongly inspired by the idea of cultural relativism By using elements of cultural identity and cultural diversity as parameters for the interpretation adjudication and enforcement of such standards human rights are evolving from the traditional universal idea to a multi cultural one whereby rights are interpreted in a dynamic manner which respond to the particular needs of the communities and individuals directly concerned This book shows how this is epitomized by the rise of collective rights which is intertwined with the evolution of the rights of minorities and indigenous peoples in contrast with the traditional vision of human rights as inherently individual It demonstrates how the process of culturalization of human rights law can be shown through different methods the most common being the recourse to the doctrine of the margin of appreciation left to states in defining the content of human rights standards extensively used by human rights bodies such as the European Court of Human Rights Secondly different meanings can be attributed to the same human rights standards by adapting them to the cultural needs of the persons and especially communities specifically concerned This method is particularly used by the Inter American Court of Human Rights and the African Commission of Human and Peoples Rights The book concludes that the evolution of human rights law towards multi cultural relativism is not only maximizes the effectiveness of human rights standards but is also necessary to improve the quality of communal life and to promote the stability of inter cultural relationships However to an extent notions of universalism remain necessary to defend the very idea of human dignity

Cultural Heritage Rights Anthony J.

Connolly, 2017-05-15 This collection brings together selected articles on key areas in the field of cultural heritage rights discourse Contributed by an international group of scholars the papers address conceptual and political issues and explore themes in contemporary literature on cultural heritage such as repatriation looting and illicit trade the effects of armed conflict and the relationship between tourism economic development and cultural heritage The legal regulation of cultural heritage is also discussed with articles on regulatory challenges current practices around the world and issues and challenges in common Topics which are likely to become increasingly important in the future such as climate change cultural globalisation human genomic science and the shift to a post liberal post rights politics and law of cultural heritage are also explored This volume which presents the most up to date scholarship in an area of increasing interest and relevance is an indispensable reference resource for libraries lecturers and students The European Human Rights Culture - A Paradox of Human Rights Protection in Europe? Nina-Louisa Arold Lorenz, Xavier Groussot, Gunnar Thor Petursson, 2014-04-30 The European Human Rights Culture A Paradox of Human Rights Protection in Europe analyses the political term European Human Rights Culture a term first introduced by EU Commission President Barroso Located in the fields of comparative law and European law this book analyses through first hand interviews with the European judiciary the judicial perspective on the European human rights culture and sets this in context to the political dimension of the term In addition it looks at the structures and procedures of the Court of Justice of the European Union CJEU and the European Court of Human Rights ECtHR and explains the embedding of the Courts legal cultures It offers an in depth analysis of the margin of appreciation doctrine at both the CJEU and ECtHR and shows its value for addressing human rights grievances This book is novel in that it combines interviews and case law analysis to show how a mix of differences on the bench are legally amalgamated to resolve probing legal questions and human rights issues It shows through a combined analysis of case law and recent political developments for European human rights the tensions between judicial and political approaches and the paradox of human rights protection in Europe It also offers in depth knowledge of the European human rights discourse In addition to a rich study of legal materials the book looks inside the box by adding the judiciary's perspective Human rights are widely acknowledged in European societies and cases claiming human rights violations are increasing at both the CJEU and ECtHR In these times of increased human rights awareness this book uncovers a paradox in European human rights protection which is created by the push and pull between judicial and political interests **Culture and Human Rights: The Wroclaw Commentaries** Andreas J. Wiesand, Kalliopi Chainoglou, Anna Sledzinska-Simon, 2016-11-07 The WROCLAW COMMENTARIES address legal questions as well as political consequences related to freedom of and access to the arts and old new media questions of religious and language rights the protection of minorities and other vulnerable groups safeguarding cultural diversity and heritage and further pertinent issues Specialists from all over Europe and the world summarise and comment on core messages of legal instruments the essence of case law as well as prevailing and important

dissenting opinions in the literature with the aim of providing a user friendly tool for the daily needs of decision or law makers at different juridical administrative and political levels as well as others working in the field of culture and human rights

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 through 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>

Cultural Rights in International Law and Discourse Stephenson Chow, 2018-01-22 Challenging questions arise in the effort to adequately protect the cultural rights of individuals and communities worldwide not the least of which are questions concerning the very understanding of culture In *Cultural Rights in International Law and Discourse Contemporary Challenges and Interdisciplinary Perspectives* Pok Yin S Chow offers an account of the present day challenges to the articulation and implementation of cultural rights in international law Through examining how culture is conceptualised in different stages of contemporary anthropology the book explores how these understandings of culture enable us to more accurately put issues of cultural rights into perspective The book attempts to provide analytical exits to existing conundrums and dilemmas concerning the protections of culture cultural heritage and cultural identity

Cultural Heritage, Sustainable Development and Human Rights Laura Pineschi, 2023-12-04 The importance of cultural heritage in both its tangible and intangible forms to sustainable development and its economic social and environmental components is increasingly evident in the recent practice of intergovernmental and non governmental organizations at the universal and regional level Due consideration for the integration of the cultural dimension in the implementation of Agenda 2030 has begun to grow in various international fora including initiatives to emphasize the role and contribution of tangible and intangible heritage as drivers and enablers of sustainable development It has also been recognized that the inherent links between cultural heritage and sustainable development cannot be correctly addressed without taking into account their various implications for the effective enjoyment of all human rights including cultural rights This book offers a thorough academic investigation on the importance of cultural heritage to sustainable development and cultural rights from an international law perspective Providing an in depth review of the possible intersections between cultural heritage sustainable development and cultural rights and the limits of the current legal and institutional framework

it will be of interest to researchers and scholars of international law cultural heritage law environmental law and human rights law

A Comparative Study of Chinese and Western Legal Language and Culture Falian Zhang, 2021-03-08 This book involves a variety of aspects and levels including the diachronic and synchronic dimensions Law profoundly affects our daily lives but its language and culture can at times be nearly impossible to understand As a comparative study of Chinese and Western legal language and legal culture this book investigates the similarities and differences of both sides and identifies their respective advantages and disadvantages Accordingly it considers both social and cultural functions and both theoretical and practical values Firstly the book addresses the differences that is the basic frameworks and disparities between the Chinese and Western legal languages and legal cultures Secondly it explores relevant changes over time that is the historical evolution and the basic driving forces that were at work before the Chinese and Western legal languages and cultures met Lastly the book elaborates on their fusion that is the conflicts and changes in Chinese and Western legal languages and cultures in China in the modern era as well as the introduction transplantation and transformation of Western legal culture

The Human Rights Culture Lawrence Meir Friedman, Lawrence M. Friedman, 2011 Lawrence M Friedman s newest book explores the sheer phenomenon of a near global arc favoring the idea and sometimes even the practice of human rights Not the usual legal or philosophical examination of rights this book instead asks Why is it as a social and historical matter that rights discourse is so prevalent and compelling to the current world Reams of books and articles have been written about human rights but THE HUMAN RIGHTS CULTURE is unique It is the first comprehensive sociological study of human rights in the contemporary period With his characteristic erudition and graceful style Lawrence Friedman addresses all the central topics women s rights minority rights privacy social rights cultural rights the role of courts whether human rights are universal and much more This surprisingly compact book presents a balanced discussion of each issue filled with fascinating details and examples Friedman s core argument is that the recent rise of human rights discourse around the globe is the product of modernity in particular the spread of the cultural belief that people are unique individuals entitled to respect and the opportunity to flourish This terrific book will be informative not only to human rights experts and practitioners but also to people who wish to read a clear and sophisticated introduction to the field Brian Z Tamanaha Professor of Law Washington University Quality ebook formatting from Quid Pro Books features active Contents linked footnotes linked textual cross references and active URLs in references Professor Friedman s latest book joins Quid Pro s Contemporary Society Series

The International Covenant on Economic, Social and Cultural Rights Great Britain. Parliament. Joint Committee on Human Rights, 2004 The Joint Committee on Human Rights examined the implementation of the UN International Covenant on Economic Social and Cultural Rights in the UK Domestic legislation protects many of the economic social and cultural rights with the Covenant itself having little impact in UK domestic law The Committee believes that there is scope for incorporating further protection of rights in the UK by enshrining some of the guarantees contained in

the Covenant Further that for the Covenant rights to be effective they should be part of a framework for government policy development and that Government along with the Commission for Equality and Human Rights should develop ways of measuring the progress of these rights The Committee also recommends that explanatory notes to Bills should include discussion of the Bills compatibility with Covenant rights which is a way of enhancing the scrutiny of proposed Government legislation Furthermore the Committee recommends the introduction of an Equality Bill to address the concerns of discrimination faced by ethnic minorities and persons with disabilities in employment housing and education

Economic, Social & Cultural Rights in Practice Yash P. Ghai, Interights (Organization), 2004 South Africa is increasingly an attractive place for international investment Investing in South Africa provides readers with an overview of the investment environment in South Africa and information on investment opportunities developments and foreign direct investment incentives offered by the Department of Trade and Industry the DTI It also outlines the support that the DTI offers new investors in South Africa Through the New Partnership for Africa s Development NEPAD priority areas have been identified for Africa one of which is the development of the private sector as a means to stimulate growth An important element for investors in South Africa is that it is a gateway to the rest of Africa Already many South African companies have learned many lessons in tackling the challenges of these markets This provides a unique opportunity for international firms to draw on their lessons and experience

Culture and International Economic Law Valentina Vadi, Bruno de Witte, 2015-02-11 Globalization and international economic governance offer unprecedented opportunities for cultural exchange Foreign direct investments can promote cultural diversity and provide the funds needed to locate recover and preserve cultural heritage Nonetheless globalization and international economic governance can also jeopardize cultural diversity and determine the erosion of the cultural wealth of nations Has an international economic culture emerged that emphasizes productivity and economic development at the expense of the common wealth This book explores the clash of cultures between international law and international cultural law and asks whether States can promote economic development without infringing their cultural wealth The book contains original chapters by experts in the field Key issues include how international courts and tribunals are adjudicating culture related cases the interplay between indigenous peoples rights and economic globalization and the relationships between culture human rights and economic activities The book will be of great interest and use to researchers and students of international trade law cultural heritage law and public international law

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Table of Contents Rights Culture And The Law

1. Understanding the eBook Rights Culture And The Law
 - The Rise of Digital Reading Rights Culture And The Law
 - Advantages of eBooks Over Traditional Books
2. Identifying Rights Culture And The Law
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Rights Culture And The Law
 - User-Friendly Interface
4. Exploring eBook Recommendations from Rights Culture And The Law
 - Personalized Recommendations
 - Rights Culture And The Law User Reviews and Ratings
 - Rights Culture And The Law and Bestseller Lists

5. Accessing Rights Culture And The Law Free and Paid eBooks
 - Rights Culture And The Law Public Domain eBooks
 - Rights Culture And The Law eBook Subscription Services
 - Rights Culture And The Law Budget-Friendly Options
6. Navigating Rights Culture And The Law eBook Formats
 - ePub, PDF, MOBI, and More
 - Rights Culture And The Law Compatibility with Devices
 - Rights Culture And The Law Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Rights Culture And The Law
 - Highlighting and Note-Taking Rights Culture And The Law
 - Interactive Elements Rights Culture And The Law
8. Staying Engaged with Rights Culture And The Law
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Rights Culture And The Law
9. Balancing eBooks and Physical Books Rights Culture And The Law
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Rights Culture And The Law
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Rights Culture And The Law
 - Setting Reading Goals Rights Culture And The Law
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Rights Culture And The Law
 - Fact-Checking eBook Content of Rights Culture And The Law
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning

- Utilizing eBooks for Skill Development
- Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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