

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

Stuart Casey-Maslen



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

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

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 Olivier De Schutter, 2014-08-07 This fully updated edition offers coverage of new topics and a more student friendly design while retaining the original style and features

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>

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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

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 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

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

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