

HUMAN RIGHTS LAW IN PERSPECTIVE

Human Rights, Culture and the Rule of Law

Jessica Minquist

Rights Culture And The Law

Francesco Francioni, Martin Scheinin



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 inherent 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.

The Cultural Dimension of Human Rights Ana Vrdoljak, 2013-11 The intersection between culture and human rights have 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.

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 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

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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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