# International Human Rights Treaties ICCPR:

- Art 2(3): The right to an effective remedy
   States are obliged to ensure:
  - Victims of human rights violations have an effective remedy;
  - Victims have the right to have their claims determined by competent judicial, administrative or legislative authorities, or any other competent authority;
  - The competent authorities enforce such remedies.

# **Remedies In International Human Rights Law**

Malcolm N. Shaw

#### **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 Routledge Handbook of International Human Rights Law Scott Sheeran, Sir Nigel law and human rights law 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 Law** Manisuli Ssenyonjo, 2016-04-22 This timely and valuable book explores the development of international human rights law over the last six decades The volume brings together leading experts to reflect on different aspects of human rights law not

only considering and evaluating the developments so far but also identifying relevant problems and proposing relevant possible perspectives for the continued positive future development of human rights law The book is international in perspective both in scope and context and covers developments in the international protection of human rights since the adoption of the UDHR in 1948 The developments considered include the United Nations system of protecting human rights as well as regional human rights systems in Africa America and Europe It also considers some key themes relevant to human rights including globalisation protecting human rights in emergency situations and trade sanctions the development of human rights NGOs and many others The book will be an invaluable resource for students academics and policy makers working in the field of international human rights 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 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 The Fundamentals of International Human Rights Treaty Law Bertrand G. Ramcharan, 2011-02-14 This book has features 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 
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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

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 Indigenous Peoples' Land Rights under International Law Jérémie Gilbert, 2007-03-23 This book addresses the right of indigenous peoples to live own and use their traditional territories A profound relationship with land and territories characterizes indigenous groups but indigenous peoples have been and are repeatedly deprived of their lands This book analyzes whether the international legal regime provides indigenous peoples with the collective right to live on their traditional territories Through its meticulous and wide ranging examination of the interaction between international law and indigenous peoples land rights the work explores several burning issues such as collective rights self determination autonomy property rights and restitution of land In assessing the human rights approach to land rights the book delves into the notion of past violations and the role of human rights law in providing for remedies reparation and restitution It also argues that there is a new phase in the relationship between States and indigenous peoples in the making of territorial agreements Based on its analysis of indigenous peoples land rights under international law this book proposes an original theory as regards the legal status of indigenous peoples It explores how indigenous peoples have been the victims of the rules governing title to territory since

the inception of international law and how under the current human rights regime indigenous peoples have now gained the status of actors of international law 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 The International Law of Migrant Smuggling Anne T. Gallagher, Fiona David, 2014-07-21 Whether forced into relocation by fear of persecution civil war or humanitarian crisis or pulled toward the prospect of better economic opportunities more people are on the move than ever before Opportunities for lawful entry into preferred destinations are decreasing rapidly creating demand that is increasingly being met by migrant smugglers This companion volume to the award winning The International Law of Human Trafficking presents the first ever comprehensive in depth analysis into the subject The authors call on their experience of working with the UN to chart the development of new international laws and to link these specialist rules to other relevant areas of international law including law of the sea human rights law and international refugee law Through this analysis the authors explain the major legal obligations of States with respect to migrant smuggling including those related to criminalization interdiction and rescue at sea protection prevention detention and return 
Documents on the Law of UN Peace **Operations** Bruce Oswald, Helen Durham, Adrian Bates, 2019 Providing students and those working in the field with a comprehensive overview of the law regulating peace operations this volume sets out the different legal instruments and sources that govern the planning management and conduct of these missions 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 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 Victimsa TM Rights in International Law Assisting Victims of Terrorism Rianne Letschert, Ines Staiger, Antony Pemberton, 2009-12-04 The fight against terrorism is receiving increased awareness due to recent wor wide large scale terrorist acts and only since then has some attention been directed specifically to victims of terrorism Existing legal instruments of international b ies like the European Union the Council of Europe and the United Nations c cerning 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 ass tance of victims of terrorism at the European level This study provides the basis from which more extensive standards could be derived The study focuses parti larly 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 s cific standards for victims of terrorism thereby implying that their needs might differ from victims of ordinary crime The Oxford Companion to International Criminal Justice, 2009-01-22 The move to end impunity for human rights atrocities has seen the creation of international and hybrid tribunals and increased

prosecutions in domestic courts The Oxford Companion to International Criminal Justice is the first major reference work to provide a complete overview of this emerging field Its nearly 1100 pages are divided into three sections In the first part 21 essays by leading thinkers offer a comprehensive survey of issues and debates surrounding international humanitarian law international criminal law and their enforcement The second part is arranged alphabetically containing 320 entries on doctrines procedures institutions and personalities The final part contains over 400 case summaries on different trials from international and domestic courts dealing with war crimes crimes against humanity genocide torture and terrorism With analysis and commentary on every aspect of international criminal justice this Companion is designed to be the first port of call for scholars and practitioners interested in current developments in international justice

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