

HUMAN RIGHTS LAW 5



Edited by Andrew Clapham

Human Rights and Non-State Actors



Non State Actors And Human Rights

C. Raj Kumar



Non State Actors And Human Rights:

Non-state Actors and Human Rights Philip Alston, 2005 Can transnational corporations ignore human rights as long as governments don't hold them accountable If the UN is put in charge of a territory is it bound by human rights law Does that body of law apply to private security contractors who use torture to achieve their goals Does the right to freedom of speech apply in a private shopping mall which has become the modern day town centre Under traditional approaches to human rights non State actors are beyond the direct reach of international human rights law They cannot be parties to the relevant treaties and so they are only bound to the extent that obligations accepted by States can be applied to them by governments The result is that entities including Non Governmental Organizations international organizations such as the UN and the IMF private security contractors and transnational corporations along with many others are generally considered not to be bound directly by human rights law This situation threatens to make a mockery of much of the international system of accountability for human rights violations As privatization outsourcing and downsizing place ever more public or governmental functions into the hands of private actors the human rights regime must adapt if it is to maintain its relevance The contributors to this volume examine the different approaches that might be taken in order to ensure some degree of accountability Making space in the legal regime to take account of the role of non State actors is one of the biggest and most critical challenges facing international law today

Non-State Actors and International Obligations James Summers, Alex Gough, 2018-10-02 Non State Actors and International Obligations examines the contribution and relevance of non state actors in the creation and implementation of international obligations These actors have traditionally been marginalised within international law and ambiguities remain over their precise role Nonetheless they have become increasingly important in legal regimes as participants in their implementation and enforcement and as potential holders of duties themselves Chapters from academics and practitioners investigate different aspects of this relationship including the sources of obligations their implementation human rights aspects dispute settlement responsibility and legal accountability

Human Rights Obligations of Non-State Actors Andrew Clapham, 2006-03-02 The threats to human rights posed by non state actors are of increasing concern Human rights activists increasingly address the activity of multinational corporations the policies of international organizations such as the World Bank and the World Trade Organization and international crimes committed by entities such as armed opposition groups and terrorists This book presents an approach to human rights that goes beyond the traditional focus on states and outlines the human rights obligations of non state actors Furthermore it addresses some of the ways in which these entities can be held legally accountable for their actions in various jurisdictions The political debate concerning the appropriateness of expanding human rights scrutiny to non state actors is discussed and dissected For some extending human rights into these spheres trivializes human rights and allows abusive governments to distract us from ongoing violations For others such an extension is essential if human rights are properly to

address the current concerns of women and workers The main focus of the book however is on the legal obligations of non state actors The book discusses how developments in the fields of international responsibility and international criminal law have implications for building a framework for the human rights obligations of non state actors in international law In turn these international developments have drawn on the changing ways in which human rights are implemented in national law A selection of national jurisdictions including the United States South Africa and the United Kingdom are examined with regard to the application of human rights law to non state actors The book s final part includes suggestions with regard to understanding the parameters of the human rights obligations of non state actors Key to understanding the legal obligations of non state actors are concepts such as dignity and democracy While neither concept can unravel the dilemmas involved in the application of human rights law to non state actors a better understanding of the tensions surrounding these concepts can help us to understand what is at stake

An Integrative Rights-based Approach to Human Development in Africa

Dejo Olowu,2009 An integrative rights based approach to human development in Africaby Dejo Olowu2009ISBN 978 0

9814124 6 7Pages x 322Print version AvailableElectronic version Free PDF available

Legal Sources in Business and

Human Rights Martina Buscemi,Nicole Lazzerini,Laura Magi,Deborah Russo,2020-06-02 Legal Sources in Business and Human Rights engages with some evolving trends that are currently affecting the international and EU law sources in the field of Business and Human Rights Three main dynamics are detected and explored the emergence of international legal obligations that are also binding on corporations Part I the growing participation of corporations in traditional international standard setting and law making processes and in parallel the emergence of atypical and heterogeneous law making processes Part II the formal or substantive hardening of originally soft normative standards through a multi layered and multi player law making process Part III Interestingly these trends concur to mitigate States reluctance to accept binding rules in this field and to strengthen the effectiveness of soft international regulation

Routledge Handbook of Human Rights and Disasters Flavia Zorzi Giustiniani,Emanuele Sommario,Federico Casolari,Giulio Bartolini,2018-03-15 The Routledge Handbook of Human Rights and Disasters provides the first comprehensive review of the role played by international human rights law in the prevention and management of natural and technological disasters Each chapter is written by a leading expert and offers a state of the art overview of a significant topic within the field In addition to focussing on the role of human rights obligations in disaster preparedness and response the volume offers a broader perspective by examining how human rights law interacts with other legal regimes and by addressing the challenges facing humanitarian organizations Preceded by a foreword by the International Law Commission s Special Rapporteur on the Protection of Persons in the Event of Disasters the volume is divided into four parts Part I Human rights law and disasters in the framework of public international law Part II Role and application of human rights law in disaster settings Part III Categories of rights of particular significance in a disaster context Part IV Protection of vulnerable groups in disaster settings Providing up to date

and authoritative contributions covering the key aspects of human rights protection in disaster settings this volume will be of great interest to scholars and students of humanitarianism international law EU law disaster management and international relations as well as to practitioners in the field of disaster management

The Oxford Handbook of International Human Rights Law Dinah Shelton, 2013-10-24 The Oxford Handbook of International Human Rights Law provides a comprehensive and original overview of one of the fundamental topics within international law It contains substantial new essays by more than forty leading experts in the field giving students scholars and practitioners a complete overview of the issues that inform research as well as a map of the debates that animate the field Each chapter features a critical and up to date analysis of the current state of debate and discussion assessing recent work and advancing the understanding of all aspects of this developing area of international law The Handbook consists of 39 chapters divided into seven parts Parts I and II explore the foundational theories and the historical antecedents of human rights law from a diverse set of disciplines including the philosophical religious biological and psychological origins of moral development and altruism and sociological findings about cooperation and conflict Part III focuses on the law making process and categories of rights Parts IV and V examine the normative and institutional evolution of human rights and discuss this impact on various doctrines of general international law The final two parts are more speculative examining whether there is an advantage to considering major social problems from a human rights perspective and if so how that might be done Part VI analyses current problems that are being addressed by governments both domestically and through international organizations and issues that have been placed on the human rights agenda of the United Nations such as state responsibility for human rights violations and economic sanctions to enforce human rights Part VII then evaluates the impact of international human rights law over the past six decades from a variety of perspectives The Handbook is an invaluable resource for scholars students and practitioners of international human rights law It provides the reader with new perspectives on international human rights law that are both multidisciplinary and geographically and culturally diverse

International Human Rights Law Daniel Moeckli, Sangeeta Shah, Sandesh Sivakumaran, David Harris, 2014 International Human Rights Law offers a thought provoking consideration of the subject from its philosophical foundations to contemporary challenges with contributions from leading experts Critical and detailed it covers all elements of a traditional international human rights course and is suitable for use as a stand alone textbook

The Human Right to Development in a Globalized World Daniel Aguirre, 2021-12-16 Offering a comprehensive analysis of the human right to development and its realistic application in an era of economic globalization Daniel Aguirre provides a multidisciplinary overview of economic globalization and examines its challenges to the realization of human development He takes this further by engaging with these challenges and highlighting the human rights opportunities presented by economic globalization and the international investment system The volume proposes a triadic system of responsibility for human rights in development to include mapping the overlapping human rights responsibilities of

corporations at the micro level of states at the macro level and of the international community at the meso level The scope of the book is broad and the approach to the subject is new It will generate interest across many disciplines including political science international law and economics Activists academics and development practitioners in many fields should also read this book *The Role of National Human Rights Institutions at the International and Regional Levels* Rachel

Murray, 2007-06-22 National Human Rights Institutions NHRIs defined by the UN as bodies established to promote and protect human rights have increased in number since the General Assembly adopted principles governing their effectiveness in 1993 The UN and others have encouraged states to set up such institutions as an indication of their commitment to human rights and now over 20 such institutions exist in Africa and many more will follow These institutions have taken various forms including ombudsmen commissions or a combination of the two They differ in terms of how they are established some by constitution some by legislation and some by decree These NHRIs have varying functions usually both promotional and protective such as giving advice to government parliament and others making recommendations on compliance with human rights standards awareness raising and analysis of law and policy Despite the considerable variations in the method of their creation powers and composition most of these institutions have chosen or indeed been mandated to become involved in international and regional fora This book examines these institutions in the African region the way in which they use the international and regional fora the effectiveness of their contributions and how they are able to participate *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> *The Oxford Guide to International Humanitarian Law* Ben Saul, Dapo Akande, 2020 This Guide provides a broad authoritative overview of the field of international humanitarian law Highlighting both practice and doctrine it is written by a team of expert academics and practitioners **The Mirage of Dignity on the Highways of Human 'Progress'** Lukman Harees, 2012-01-16 The Modern Man is hypocritically boasting of unprecedented material progress in a world where inter alia millions daily go to bed hungry die or get killed through unwanted wars and preventable causes live in inhumane conditions vulnerable being exploited with ever widening inequality and might still ruling over right in

international relations even in the post UDHR era an indictment on the collective conscience of mankind Besides the flame of materialism has been devouring time tested moral values causing chaos within the basic unit in society the family and relegating Man and his dignity to the level of animals and even manipulating his identity Therefore questions arise Is Moral law fading are political economic systems and institutions like UN failing in realizing the lofty goal of affording due dignity basic rights and social justice humanity deserves Can the bystanders be mere onlookers anymore This book seeks to dispassionately survey the yawning gap between the rhetoric and the ground reality in bringing about dignity and social justice for humanity from bystanders perspective in the light of these questions and underlines the imperative need for moral progress to go hand in hand to make Man assume his due role as the trustee on earth It also exhorts bystanders to close ranks as human dignity champions rights defenders identity protectors against onslaughts from power hungry politicians mighty powers and vested interests This is the need of the times and what our future progeny demands *Social Rights Jurisprudence* Malcolm Langford, 2009-01-19 In the space of two decades social rights have emerged from the shadows and margins of human rights jurisprudence The authors in this book provide a critical analysis of almost two thousand judgments and decisions from twenty nine national and international jurisdictions The breadth of the decisions is vast from the resettlement of evictees to the regulation of private medical plans to the development of state programs to address poverty and illiteracy The jurisprudence not only implicates our understanding of economic social and cultural rights but also challenges the philosophical debates that question whether these rights can and should be justiciable *Due Diligence Obligations in International Human Rights Law* Maria Monnheimer, 2021-02-18 An analytical framework of due diligence obligations to address the increasing prevalence of non State human rights risks **Corruption and Human Rights in India** C. Raj Kumar, 2011-08-12 The malaise of corruption has become deeply embedded in the political and social fabric of the Indian society The increased frequency and scale of corruption have had deleterious effects on a wide range of issues Corruption therefore must be viewed not just as an issue of law and order or of the criminal justice system instead it has larger and adverse implications for development initiatives transparency in administration economic growth access to justice and human rights This important and timely work adopts a new approach for analysing corruption corruption as a violation of human rights Highlighting the inherent deficiencies in the existing institutions mechanisms laws and law enforcement agencies the book strongly proposes the adoption of a multi pronged strategy for eliminating corruption This includes the creation of a new legislative framework an effective institutional mechanism a new independent and empowered commission against corruption and greater participation of the civil society It also compares India s experiences of combating corruption with many societies in Asia including Singapore and Hong Kong **Remedies in International Human Rights Law** Dinah Shelton, 2015 Dinah Shelton provides a comprehensive treatment of remedies for human rights violations reviews the jurisprudence of international tribunals on these violations The text provides a theoretical framework and a practical guide

for lawyers judges and academics interested in human rights law Research Handbook on the Theory and History of International Law Alexander Orakhelashvili, 2020-12-25 This updated and revised second edition with contributions from renowned experts provides a comprehensive scholarly framework for analyzing the theory and history of international law Featuring an array of legal and interdisciplinary analyses it focuses on those theories and developments that illuminate the central and timeless basic concepts and categories of the international legal system highlighting the interdependency of various aspects of theory and history and demonstrating the connections between theory and practice **Responsibility for Human Rights** David Jason Karp, 2014-03-27 Responsibility for Human Rights provides an original theoretical analysis of which global actors are responsible for human rights and why It does this through an evaluation of the different reasons according to which such responsibilities might be assigned legalism universalism capacity and publicness The book marshals various arguments that speak in favour of and against assigning responsibility for human rights to any state or non state actor At the same time it remains grounded in an incisive interpretation of the world we actually live in today including the relationship between sovereignty and human rights recent events in business and human rights practice and key empirical examples of human rights violations by companies David Karp argues that relevantly public actors have specific human rights responsibility However states can be less public and non state actors can be more public than might seem apparent at first glance *Advancing International Human Rights Law Responsibilities of Development NGOs* Noam Schimmel, 2020-10-31 This book explores the potential responsibilities to respect protect and fulfill international human rights law IHRL of a particular class of non state actors non governmental organizations NGOs It calls for NGOs pursuing development to respect and fulfill the human right of genocide survivors to reparative justice in Rwanda It argues that NGOs have social and moral responsibilities to respect and fulfill IHRL and for greater accountability for them to do so The book focuses on those NGOs advancing development in a post genocide transitional justice context acting simultaneously in partnership with state governments as proxies and agents for these governments and providing essential public goods and social services as part of their development remit It defines development as a process of expanding realization of social economic and cultural rights addressing food security economic empowerment poverty reduction healthcare housing education and other fundamental human needs while integrating these alongside the expansion of freedoms and protections afforded by civil and political rights It uses post genocide Rwanda as a case study to illustrate how respect and fulfillment of the IHRL pertaining to reparative justice are hindered by failing to hold NGOs responsible for IHRL Consequently this results in discrimination against marginalization and the disadvantaging of survivors of the Rwandan genocide against the Tutsi and violations of their human rights

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