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# **The Raoul Wallenberg Institute Compilation of Human Rights Instruments**



edited by  
Göran Melander, Gudmundur Alfredsson and Leif Holmström

Second, revised edition

**Martinus Nijhoff Publishers**

# Raoul Wallenberg Institute Compilation Of Human Rights Instruments

**Joshua Castellino, Niamh Walsh**



## **Raoul Wallenberg Institute Compilation Of Human Rights Instruments:**

The Raoul Wallenberg Institute Compilation of Human Rights Instruments Göran Melander, Gudmundur Alfredsson, Leif Holmström, 2021-11-08     *The Raoul Wallenberg Institute Compilation of Human Rights Instruments* Göran Melander, Gudmundur Alfredsson, Leif Holmström, 2012-05-07 In 1997 The Raoul Wallenberg Institute Compilation of Human Rights Instruments was published by Martinus Nijhoff Publishers as the first volume in the series The Raoul Wallenberg Institute Human Rights Library In 2004 the second edition of that Compilation was published and the present publication is the third revised edition of the book Since the second edition of the Compilation went out of print major human rights treaties have entered or are about to enter into force and a number of non treaty instruments have been adopted The dynamic development in international human rights law and the increasing number of instruments have brought about a revision in the selection of instruments to be included in this new edition of the Compilation Like in the previous editions the selection of instruments is based on the experience acquired by staff of the Raoul Wallenberg Institute most of the reproduced texts are the subject of frequent references in courses seminars and workshops organized by the Institute The chosen treaties and non treaty instruments are either universal or regional some of them are of a general nature while others have specific or specialized contents They cover among others civil political economic social cultural and solidarity rights

The Raoul Wallenberg Institute Compilation of Human Rights Instruments Göran Melander, Gudmundur Alfredsson, Leif Holmström, 2012-05-07 In 1997 this title was published by Martinus Nijhoff Publishers as the first volume in the series The Raoul Wallenberg Institute Human Rights Library In 2004 the second edition of the compilation was published and the present publication is the third revised edition of the book     *Essential Cases on Human Rights for the Police* Ralph Crawshaw, Leif Holmström, 2006-09-12 The purpose of this book is to review and summarize international cases identified as being essential for the police The cases embody the jurisprudence of courts and bodies established under international law to secure compliance with international human rights and humanitarian standards and they are essential for the police and anyone seeking to understand the theory and practice of policing because they have a direct bearing on the exercise of police powers and the performance of police functions     **Human Rights and Migrant Domestic Work** Maria Deanna P.

Santos, 2005-09-01 On a general level this research project concerns ways in which the domestic and international laws relating to the situation of migrant domestic workers MDWs are shaped by broader socio political and economic factors More specifically this dissertation examines the human rights situation of Filipina MDWs who participate in Canada's Live in Caregiver Program LCP It attempts to meet these objectives in part by undertaking a limited comparison of the situation of these Filipina MDWs and the Filipina MDWs in Hong Kong The comparison is meant to further test and validate the arguments and proposals presented in this dissertation regarding the socio legal status of Filipina MDWs under Canada's LCP This is done through an analysis of existing data on Filipina MDWs and a consideration of the ways in which the relevant

laws and policies in these two jurisdictions affect create and or perpetrate the status quo in this area of social life The main explanatory theoretical framework that is deployed is the Third World Approaches to International Law the TWAIL theory

**Achieving Peace or Protecting Human Rights?** Gro Nystuen, 2005-09-01 Achieving peace or protecting human rights Conflicts between norms regarding ethnic discrimination in the Dayton Peace Agreement examines some of the legal issues pertaining to international settlements aiming at ending a war finding political common ground between bitter enemies and at the same time protecting individual human rights The author examines the Dayton Peace Agreement for Bosnia and Herzegovina and in particular the constitutional framework which on the one hand secures everyone's human rights and protection from ethnic discrimination but on the other hand sets up a political system which in fact discriminates on the basis of ethnicity The author argues that it might have been consistent with international law particularly the legal regimes of derogation and necessity to agree on such a constitutional system at the time of the Dayton negotiations because the alternative was a high risk of continued war but that a constitutional arrangement with clear human rights deficiencies should have been made temporary The author points out that the ethnically based constitutional system for the time being seems to prevail at the expense of the right to non discrimination and discusses various possibilities of altering this situation

*Reservations to Human Rights Treaties and the Vienna Convention Regime* Ineta Ziemele, 2004-10-01 There has always been some discomfort about reservations in relation to international obligations of States applicable to individuals This apprehension was once again brought to the forefront of the international normative process with General Comment No 24 of the Human Rights Committee and the work of the International Law Commission on reservations to treaties This book is a contribution to the debate on reservations to human rights treaties Several key questions are addressed Can the reservations regime as codified in the 1969 Vienna Convention on the Law of Treaties adequately address human rights relationships Is there a danger of further fragmentation of international law if human rights treaties were to be treated differently as concerns the reservations regime applicable to these treaties Should the distinction be made between the validity of a reservation and the effects of a reservation found to be invalid These and other questions continue to generate a variety of answers

*Human Rights Law: From Dissemination to Application* Jonas Grimheden, Rolf Ring, 2006-07-01 This unique collection of essays has been compiled in honour of Professor G ran Melander one of the founders of the Raoul Wallenberg Institute of Human Rights and Humanitarian Law RWI in Lund Sweden G ran Melander served as the Institute's first director and subsequently as the Chairman of the Board of Directors The volume illustrates the complex relationship between dissemination of human rights standards and their application in human rights law and thus serves as a tribute to Melander's belief in and commitment to the dynamics of education in human rights law The contributors are human rights scholars and activists all colleagues and friends associated with various stages of Melander's professional career

*Journalism Worthy of the Name* Herdís Thorgeirsdóttir, 2005-06-01 The subject of this study is freedom within the press the nature and limits of the

protection afforded to the journalistic imparting process which has been a neglected area of research The analysis draws on the classical defenders of freedom of speech Milton and Mill to show that at the dawn of the 21st century the intertwined alliance between big business and public authorities resulting in the widespread phenomena of self censorship within the media constitutes an almost insurmountable obstacle Instead of enlightening the public and inspiring the individual the press may be contributing to an inert public and individual cowardice antithetical to the objectives of human dignity and democracy The core of the problem is that prima facie the infringement of freedom within the media is not exercised on legal premises and cannot therefore be solved within the legal framework The operation of the press in society is conditioned by three types of regulation legal regulation market regulation and self regulation Legal regulation does not adequately presuppose the impact of the latter as it is based on the assumption that press freedom is mainly a negative liberty The book explores the affirmative side of Article 10 of the European Convention on Human Rights to guarantee press freedom that is not merely illusory but practical and effective Convention jurisprudence has not only influenced the domestic courts of the Contracting Parties but also the legislators of the Member States In an era of globalization dominant media operators wield power in their own domestic markets to impede national regulators in adopting interventionist media policies to secure journalistic freedoms The Convention jurisprudence represents a kind of European ius commune which is here set in the context of an analysis reflecting the problems and values at issue and offering recommendations to alleviate a situation which threatens democratic ideals and public spirited journalism

#### **International Law and Indigenous Peoples**

Joshua Castellino, Niamh Walsh, 2005-03-01 This volume a collection of essays by a variety of scholars in the field of indigenous rights originates from the Irish Centre for Human Rights at the National University of Ireland in Galway It highlights those instances in the work of international organizations where advances have been made concerning indigenous rights It also devotes attention to the Permanent Forum on Indigenous Issues to the Committee on the Elimination of Racial Discrimination and to a number of thematic issues in the field The human rights situations facing indigenous peoples in Australia Bangladesh Canada India Kenya Mexico Nicaragua Nigeria and South Africa are dealt with in separate chapters These surveys show a range of reactions to the multiple problems of discrimination or lack of proper responses as far as domestic legislation national implementation of the laws and national compliance with the applicable international standards are concerned

#### **Essential Rules of Behaviour for Police in Armed Conflict, Disturbance and Tension**

Ralph Crawshaw, Leif Holmström, 2014-10-09 The primary focus of this book is the laws of war also referred to as the international law of armed conflict and international humanitarian law There are two aspects to the laws of war jus ad bellum the rules governing resort to armed conflict and jus in bello the rules governing the conduct of armed conflict The purpose of the book is to inform police officials about the latter It is also written for other State officials including the military who may carry out police operations educators and trainers of police and those who monitor or investigate police or otherwise seek to hold them

accountable In addition to considering rules of behaviour in actual armed conflict the book focuses on police conduct in those forms of conflict that fall below the armed conflict threshold that is to say situations of internal disturbance and tension Whilst the laws of war are not legally applicable in such situations it is argued here that some of its principles and provisions should form an important element in the strategy and tactics of policing civil disturbances especially when they are serious in terms of scale or intensity of violence

**National Human Rights Institutions in the Asia Pacific Region** Brian Burdekin, 2007 The purpose of this book is to provide a consolidated collection of materials to facilitate comparison of the various national human rights institutions NHRIs already established in the Asia Pacific region against a background of selected international materials and with the assistance of several comparative tables The latter are not intended to be exhaustive but are designed to assist in identifying and considering the strengths and weaknesses inherent in the legislative mandates of each national institution While the collection is primarily intended for teaching purposes it should also be useful to countries considering establishing a national human rights commission or for those which have already done so strengthening its mandate For this reason several sections have been included outlining the relationship which should exist between NHRIs the Executive the Legislature the Judiciary and other related institutions and a short section on the importance of the process which should precede their establishment

*The Legal Culture of the European Court of Human Rights* Nina-Louisa Arold, 2007-10-30 While the supervision of the European Court of Human Rights constantly grows in importance little is known about the people especially the judges inside the Court To what extent are human rights sensitive to different traditions and is their work burdened through the plurality of legal historical political or vocational experiences among the judges Looking at the first three years of permanent operation of the Court this book suggests that it is the legal culture that brings the judges together Based on interviews field study observations and an analysis of case law this book takes a novel approach on European human rights law and provides researchers and practitioners with an important basis for a full understanding of the Strasbourg case law

*The Influence of American Theories on Judicial Review in Nordic Constitutional Law* Ragnhildur Helgadóttir, 2006-02-01 Courts of some Nordic countries started reviewing the constitutionality of legislation long before judicial review was established elsewhere in Europe This study examines the influence of American law and theories of judicial review on the development practice and theorization of judicial review in Norway Denmark and Iceland from the 19th century to the present The study describes how Nordic scholars in the late 19th century rationalized judicial review based on American theory and how American law influenced both their views of the institution and their way of thinking about substantive constitutional rights These views in turn influenced Nordic jurisprudence for decades The author then shows how the changes that took place in American constitutional jurisprudence in the 1930s and 1940s influenced Nordic constitutional theory and constitutional jurisprudence These changes received significant attention in Nordic legal circles and the study examines how these changes as well as the American and Nordic

theory that built on them influenced Nordic jurisprudence Finally it is argued that American influence in this area of law changed after 1965 Direct references to and discussions of American law almost disappeared from Nordic jurisprudence American constitutional law was however an important influence on the case law of the European Court of Human Rights which importance increased in this period The European Convention of Human Rights and the Court's decisions have in turn immensely influenced Nordic constitutional law

**The New International Law** Christoffer C. Eriksen, Marius Emberland, 2010-10-25 This volume contains revised versions of a select number of research papers presented at a conference in Oslo Norway entitled The New International Law The conference was subtitled Polycentric Decision making Structures and Fragmented Spheres of Law What Implications for the New Generation of International Legal Discourse This subtitle signals the most important elements of the conference's main purpose which was to be a project in line with certain strands of contemporary scholarship on international law scholarship that bases itself on certain assumptions regarding what are important and changing preconditions for the field of international law research Such assumptions include the transformation of sovereignty the horizontal and vertical dispersal of governmental authority the incompleteness of municipal law for legal regulation of individuals and private entities states acceptance of treaty regimes whereby international authorities exercise regulatory power that interferes with domestic authority and the proliferation of new dispute settling bodies on the international plane The volume aims to display the diversity within the new generation of international legal scholarship and to bring the analyses and arguments of this research to a wider audience Topics addressed include environmental regulation human rights and humanitarian protection criminal law and international security and development

**Beyond a One-Dimensional State: An Emerging Right to Autonomy?** Zelim Skurbaty, 2005-01-01 The beginning of the 21st century is characterized by global structural changes and worldwide concern for the problems surrounding the relationships between states and minority groups Autonomy has become a code word for an all purpose means of inclusion of sub state groups in the three major functions that make for the essence of international law the allocation of competence the furtherance of common interest and the maintenance of international peace Since to be autonomous is to be a law to oneself and autonomous agents are self governing agents the authors of this present volume try give an answer each from a particular professional perspective to one overriding question what conditions must be met in order to ensure that the autonomous agents govern themselves and govern effectively With a scholarly attention to analytical precision factual accuracy and scrupulous objectivity the authors of the present volume coming from such diverse fields as international law philosophy ethics economics political science detail and explore the protean character of autonomy as both a concept autonomy's subtypes autonomy vs other arrangements for the diffusion of power within heterogeneous societies new definitions of the concept etc and a practice the potential of autonomy in the peaceful resolution of ethnic conflicts comparative case studies ranging from Greenland to Eritrea from the Baltic States to South Asia For all their differences in

background and style the authors share the common belief that autonomy if properly understood and applied holds considerable potential for ensuring an effective and harmonious co existence for diverse groups within modern states As such this book will hold particular appeal for all those students academics policymakers practitioners who are on a quest for empowering insights vis vis state minority modus vivendi and ways to mitigate inter group tensions by compromise

*Constitutionalism* Joakim Nergelius,2008 This book has its roots in a conference on recent developments in Nordic and German constitutional law that took place in Berlin in 2002 at the Nordic Cultural Centre That conference was organised within the project Konstitutionalism demokrati och den nordiska valfardsstaten Constitutionalism Democracy and the Nordic Welfare State financed by the Joint Committee for Nordic Research Councils for the Humanities and the Social Sciences NOS HS The volume contains the edited and updated papers which emerged from this meeting of minds They offer insight into some of the new exciting strands of constitutional thought that are currently present in the Nordic doctrine where many new paths have been opened in recent years The contrast with the situation two decades ago is indeed striking As far as German and European law are concerned some of the most important theoretical issues in the doctrine are analysed in a number of particularly rewarding and inspiring contributions

### **Judicial Protection of Economic, Social and Cultural Rights**

Bertie G. Ramcharan,2005-08-01 The implementation of economic social and cultural rights is a most pressing item on the international human rights agenda Millions of people go without food health shelter education work social security not because the resources are unavailable to provide for these basic human rights but because societies are badly governed or democracy is lacking or the rule of law is absent or simply because there is a failure of understanding about how to go about the practical implementation of these rights In the discussion of this issue and about the implementation of economic social and cultural rights generally it is sometimes heard that economic social and cultural rights are rights of progressive application not capable of judicial determination This volume seeks to bring together for the first time a collection of documents and case law from different parts of the world which shows the Courts at work in providing judicial protection of economic social and cultural rights One conclusion stands out from these cases the courts do have a role to play in providing judicial protection of these rights as the decisions reproduced in this volume make clear the era of justiciability of economic social and cultural rights has arrived

The Relationship Between the International Criminal Court and National Jurisdictions Jo Stigen,2008 The principle of complementarity provides a framework as to when the Prosecutor of the ICC

may and should interfere vis a vis national judicial systems The principle acknowledges the primary right of states to prosecute while also recognising the need for international interference when states fail in this task As formulated in the Rome Statute however it leaves complex questions unresolved To mention a few When is a national criminal proceeding really an attempt to shield the perpetrator When can a national judicial system be characterised as unavailable And when will an ICC prosecution serve the interests of justice This book seeks to answer these and other related questions by interpreting



the relevant provisions of the Rome Statute and discussing them in a broad context The book also critically assesses policy considerations underlying the establishment of the ICC including the implications of international criminal justice for achieving peace It asks inter alia whether the ICC should set aside an amnesty which a national truth commission has granted in an attempt to achieve a peaceful transition from tyranny to democracy     The Dynamics of Corporate Social Responsibilities Radu Mareş, 2008 This book proposes that the responsible business practices of leading companies are significant not only as isolated instances of self regulation but that they also contribute to a broader rule making process which has been underway in the last decade and is aimed at making business more responsive to human rights and environmental concerns The flexibility of existing laws as well as the emergence of new regulations relevant to corporate social responsibility CSR are highlighted As CSR increasingly interacts with public policy some insufficiently understood effects of CSR appear that can help us advance toward more systemic solutions in the business and human rights area This study identifies variables that states can stimulate through a wide range of interventions ranging from capacity building measures to policy to hard law so that responsible practices get diffused more broadly and deeply in the business community The intended audiences are legal experts with an interest in enhancing the protection of human rights in developing countries and CSR theorists and practitioners mindful of the broader social dynamics that surround the implementation of CSR commitments

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## **Table of Contents Raoul Wallenberg Institute Compilation Of Human Rights Instruments**

1. Understanding the eBook Raoul Wallenberg Institute Compilation Of Human Rights Instruments
  - The Rise of Digital Reading Raoul Wallenberg Institute Compilation Of Human Rights Instruments
  - Advantages of eBooks Over Traditional Books
2. Identifying Raoul Wallenberg Institute Compilation Of Human Rights Instruments
  - 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 Raoul Wallenberg Institute Compilation Of Human Rights Instruments
  - User-Friendly Interface
4. Exploring eBook Recommendations from Raoul Wallenberg Institute Compilation Of Human Rights Instruments
  - Personalized Recommendations
  - Raoul Wallenberg Institute Compilation Of Human Rights Instruments User Reviews and Ratings
  - Raoul Wallenberg Institute Compilation Of Human Rights Instruments and Bestseller Lists

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