

Human Rights And The Private Sphere Vol 3 A Comparative Study Ut Austin Studies In Foreign And Transnational Law

The conduct of armed conflict is increasingly being outsourced to private military and security companies, whose legal position remains unclear. This book identifies and analyses the human rights and humanitarian law framework applicable to these companies, examining how they can be held to account and how victims can obtain remedies.

In the domain of comparative constitutionalism, Israeli constitutional law is a fascinating case study constituted of many dilemmas. It is moving from the old British tradition of an unwritten constitution and no judicial review of legislation to fully-fledged constitutionalism endorsing judicial review and based on the text of a series of basic laws. At the same time, it is struggling with major questions of identity, in the context of Israel's constitutional vision of 'a Jewish and Democratic' state. *Israeli Constitutional Law in the Making* offers a comprehensive study of Israeli constitutional law in a systematic manner that moves from constitution-making to specific areas of contestation including

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state/religion relations, national security, social rights, as well as structural questions of judicial review. It features contributions by leading scholars of Israeli constitutional law, with comparative comments by leading scholars of constitutional law from Europe and the United States.

The best country-by-country assessment of human rights. The human rights records of more than ninety countries and territories are put into perspective in Human Rights Watch's signature yearly report. Reflecting extensive investigative work undertaken by Human Rights Watch staff, in close partnership with domestic human rights activists, the annual World Report is an invaluable resource for journalists, diplomats, and citizens, and is a must-read for anyone interested in the fight to protect human rights in every corner of the globe. By analysing the European Court of Human Rights (ECtHR) jurisprudence and philosophical debates on personal autonomy, identity and integrity, the book offers a critical analysis of the possibility of different versions of personal freedom emerging in the case law which may restrict rather than enhance personal freedom.

Legal Sources in Business and Human Rights takes stock of different aspects of Business and Human Rights practice in order to identify and explore some dynamics that are driving the evolution of the legal sources of international and

EU law in the field of B&HRs.

The Internet has created a formidable challenge for human rights law and practice worldwide. International scholarly and policy-oriented communities have so far established a consensus regarding only one main aspect – human rights in the internet are the same as offline. There are emerging and ongoing debates regarding not only the standards and methods to be used for achieving the "sameness" of rights online, but also whether "classical" human rights as we know them are contested by the online environment. The internet itself, in view of its cross-border nature and its ability to affect various areas of law, requires adopting an internationally oriented approach and a perspective strongly focused on social sciences. In particular, the rise of the internet, enhanced also by the influence of new technologies such as algorithms and intelligent artificial systems, has influenced individuals' civil, political and social rights not only in the digital world, but also in the atomic realm. As the coming of the internet calls into question well-established legal categories, a broader perspective than the domestic one is necessary to investigate this phenomenon. This book explores the main fundamental issues and practical dimensions related to the safeguarding of human rights in the internet, which are at the focus of current academic debates. It provides a comprehensive analysis with a forward-looking

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perspective of bringing order into the somewhat chaotic online dimension of human rights. It addresses the matter of private digital censorship, the apparent inefficiency of existing judicial systems to react to human rights violations online, the uncertainty of liability for online human rights violations, whether the concern with personal data protection overshadows multiple other human rights issues online and will be of value to those interested in human rights law and legal regulation of the internet.

Particularly valuable for both academics and practitioners, *Human Rights and the Private Sphere: A Comparative Study* analyzes the interaction between constitutional rights, freedoms and private law. Focusing primarily on civil and political rights, an international team of constitutional and private law experts have contributed a collection of chapters, each based around a different jurisdiction. They include Denmark, France, Germany, India, Ireland, Israel, Italy, New Zealand, the UK, the US, the European Convention for the Protection of Human Rights and Fundamental Freedoms and the European Union. As well as exploring, chapter by chapter, the key topics and debates in each jurisdiction, a comparative analysis draws the sections together; setting-out the common features and differences in the jurisdictions under review and identifies some common trends in this important area of the law. Cross-references between the

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various chapters and an appendix containing relevant legislative material and translated quotations from important court decisions makes this volume a valuable tool for those studying and working in the field of international human rights law.

At a time when human rights are coming under increasing pressure, in-depth knowledge and understanding of their foundations, conceptual underpinnings and current practice remain crucial. The second edition of Walter Kalin and Jorg Kunzli's authoritative book provides a concise but comprehensive legal analysis of international human rights protection at the global and regional levels. It shows that human rights are real rights creating legal entitlements for those who are protected by them and imposing legal obligations on those bound by them. Based, in particular, on a wide-ranging analysis of international case-law, the book focuses on the sources and scope of application of human rights and a discussion of their substantive guarantees. Further chapters describe the different mechanisms to monitor the implementation of human rights obligations, ranging from the regional human rights courts in Africa, the Americas and Europe and the UN treaty bodies to the international criminal tribunals, the International Court of Justice and the UN Security Council. The book is based on an understanding of human rights as legal concepts that address basic human

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needs and vulnerabilities, and highlights the indivisibility of civil and political rights on the one and economic, social and cultural rights on the other hand. It also highlights the convergence of international human rights and international humanitarian law and the interlinkages with international criminal law as well as general international law, in particular the law of state responsibility.

Privacy today is much debated as an individual's right against real or feared intrusions by the state, as exemplified by proposed identity cards and surveillance measures in the United Kingdom. In contrast, invasions of privacy by private individuals or bodies tend to arouse less concern. This book attempts to fill the gap by looking at the horizontal application of human rights after *Douglas v Hello*, *Campbell v MGN* and *Caroline von Hannover v Germany*. It provides a conceptual and theoretical framework and also considers specific particularly sensitive areas of law relating to privacy protection, such as intellectual property, employment and media law. It provides comparative perspectives by relating Article 8 of the European Convention on Human Rights, which serves as a focal point, to UK, Dutch, German and European Communities law. Several common threads are revealed running across jurisdictions and different areas of law and aspects of privacy. The most notable is the definition of privacy in terms of the autonomy of the individual, a notion associated with the liberal state in the classic sense but now acquiring more content as a human right also linked to ideas of social justice.

"The basic structure of the Guide is geared towards supporting a systematic and comprehensive translation of universal human rights standards into indicators that are

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contextually relevant. This approach favours using objective information which is easily available, or can be collected, for monitoring the national implementation of human rights. This requires the reader to: [1] Understand the conceptual approach so as to identify indicators, after developing a preliminary understanding of the human rights normative framework; [2] Explore the alternative data-generating methods to populate the selected indicators; and [3] Apply and interpret the numbers that go with an indicator so as to build an assessment on the state of human rights."--P. 8.

Traditionally, the theory of human rights limited its application to the public domain, namely the relationships between individuals and public authorities. The great expansion of human rights legislation and concepts in modern national and international law has given rise to a major issue relating to their potential impact on private relationships. This book examines this important topic, which may revolutionize private law. It presents new approaches which strive to broaden the application of human rights to the private field on the ground that power can be abused and human rights can be infringed even when all parties are private. The subject is examined from theoretical and comparative perspectives by leading scholars representing a diversity of legal systems - the United States, Canada, England, South Africa, Germany and Israel. Among the contributors are Professor Todd Rakoff (Harvard), Professor Roger Brownsword (Sheffield), Professor Hugh Beale (Warwick) and Professor Ewan McKendrick (Oxford), Professor Ernest Weinrib and Professor Lorraine Weinrib (Toronto), Professor Christian Starck (Göttingen), Professor Andreas Heldrich (Munich) and others.

Offers a new understanding of the relationships between litigation strategies, growing private funding and European human rights justice.

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A comparative investigation into the revolution in private law in the era of human rights. Scotland and South Africa are mixed jurisdictions, combining features of common law and civil law traditions. Over the last decade a shared feature in both Scotland and South Africa has been a new and intense focus on human rights. In Scotland the European Convention on Human Rights now constitutes an important element in the foundation of all domestic law. Similarly, the Constitution of the Republic of South Africa, adopted in 1996, has as its cornerstone a Bill of Rights that binds not only the legislature, the executive, the judiciary and all organs of state, but also private parties. Of course the "constitutional moments" from which these documents sprang were very different and the Scottish and South African experience in some aspects could not be more dissimilar. Yet in many respects the parallels are close and compelling. This book, written by experts from both jurisdictions, examines exactly how human-rights provisions influence private law, looking at all branches of the subject. Moreover, it gives a unique perspective by comparing the approach in these kindred legal systems, thus providing a benchmark for both.

Scholars from across law and internet and media studies examine the human rights implications of today's platform society. Today such companies as Apple, Facebook, Google, Microsoft, and Twitter play an increasingly important role in how users form and express opinions, encounter information, debate, disagree, mobilize, and maintain their privacy. What are the human rights implications of an online domain managed by privately owned platforms? According to the Guiding Principles on Business and Human Rights, adopted by the UN Human Right Council in 2011, businesses have a responsibility to respect human rights and to carry out human rights due diligence. But this goal is dependent on the willingness of states to

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encode such norms into business regulations and of companies to comply. In this volume, contributors from across law and internet and media studies examine the state of human rights in today's platform society. The contributors consider the "datafication" of society, including the economic model of data extraction and the conceptualization of privacy. They examine online advertising, content moderation, corporate storytelling around human rights, and other platform practices. Finally, they discuss the relationship between human rights law and private actors, addressing such issues as private companies' human rights responsibilities and content regulation. Contributors Anja Bechmann, Fernando Bermejo, Agnès Callamard, Mikkel Flyverbom, Rikke Frank Jørgensen, Molly K. Land, Tarlach McGonagle, Jens-Erik Mai, Joris van Hoboken, Glen Whelan, Jillian C. York, Shoshana Zuboff, Ethan Zuckerman Open access edition published with generous support from Knowledge Unlatched and the Danish Council for Independent Research.

Examines a trio of key concepts that help to stabilize states and the international order: human rights, democracy, and legitimacy.

Provides a roadmap for understanding the relationship between technology and human rights law and practice. This title is also available as Open Access.

The Human Rights Act 1998 has had a profound effect in numerous private law decisions and has been the subject of extensive academic debate, in particular on the issue of the extent to which it has horizontal effect and its application in disputes between individuals. With contributions from a variety of academics and practitioners, this volume covers and contributes to the academic debate on

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horizontal effect and considers how theory matches up with case law; the limits of the Act for private law; and its impact on key areas including privacy, defamation, negligence, nuisance, property, commercial law and employment. Together, the book provides a practical critique of the areas discussed, which will be of academic interest to theorists and of practical benefit to lawyers and judges who wish to understand how the academic debates can be brought to bear in particular cases.

This book explores the human rights consequences of the new mercenarism, as channeled through so-called private military and security companies (PMSCs), and offers an overview of the evolution and status quo of both non-legal (soft law and self-regulation) and legal initiatives seeking to limit them. It addresses various topics, including the impact of the presence of non-state actors on human security using the cases of Afghanistan and Syria; research on PMSCs' impact on human rights in specific cases; the insufficiency and ineffectiveness of existing direct and indirect legal prohibitions on the use of mercenaries; various aspects of international human rights law and international humanitarian law related to the conduct of PMSCs; soft-law and self-regulation mechanisms; and the international minimum standard in general international law regarding the privatization, export, import, and contracting of PMSCs.

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The book explores the various and sometimes unexpected ways in which states, human rights, and private actors intersect.

Globalizing Human Rights explores the complexities of the role human rights played in U.S.-Soviet relations during the 1970s and 1980s. It will show how private citizens exploited the larger effects of contemporary globalization and the language of the Final Act to enlist the U.S. government in a global campaign against Soviet/Eastern European human rights violations. A careful examination of this development shows the limitations of existing literature on the Reagan and Carter administrations' efforts to promote internal reform in USSR. It also reveals how the Carter administration and private citizens, not Western European governments, played the most important role in making the issue of human rights a fundamental aspect of Cold War competition. Even more important, it illustrates how each administration made the support of non-governmental human rights activities an integral element of its overall approach to weakening the international appeal of the USSR. In addition to looking at the behavior of the U.S. government, this work also highlights the limitations of arguments that focus on the inherent weakness of Soviet dissent during the early to mid 1980s. In the case of the USSR, it devotes considerable attention to why Soviet leaders failed to revive the international reputation of their multinational empire in face of

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consistent human rights critiques. It also documents the crucial role that private citizens played in shaping Mikhail Gorbachev's efforts to reform Soviet-style socialism.

This publication reproduces the Universal Declaration of Human Rights, and the nine core international human rights treaties and their optional protocols in a user-friendly format to make them more accessible, in particular to government officials, civil society, human rights defenders, legal practitioners, scholars, individual citizens and others with an interest in human rights norms and standards.

Human Rights in Private Law Bloomsbury Publishing

Human Rights or Global Capitalism examines the application of neoliberal policies from a human rights perspective and asks whether states, by outsourcing to the private sector many services with a direct impact on human rights, abdicate their responsibilities to uphold human rights and violate international law.

This insightful book analyses the process of the first adoption of guiding human rights principles for education, the Abidjan Principles. It explains the development of the Abidjan Principles, including their articulation of the right to education, the state obligation to provide quality public education, and the role of private actors

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in education.

Examining the impact, both actual and potential, of human rights concerns on private international law as well as the oft overlooked topic of the impact of private international law on human rights, this work represents an invaluable resource for all those working or conducting research in these areas. Human Rights and Private International Law is the first title to consider and analyse the numerous private international law cases discussing human rights concerns arising in the commercial law context, alongside high profile cases dealing with torture (*Jones v. Kingdom of Saudi Arabia*) and same sex marriage (*Wilkinson v Kitzinger*). The right to a fair trial is central to the intersection between human rights and private international law, and is considered in depth along with the right to freedom of expression; the right to respect for private and family life; the right to marry; the right to property; and the prohibition of discrimination on the ground of religion, sex, or nationality. Focussing on, though not confined to, the human rights set out in the ECHR, the work also examines the influence of human rights on private international law in countries which are not a party to the ECHR, such as Australia, Canada, New Zealand, and the United States.

Human Rights and Private Wrongs breaks new ground by considering a series of fascinating issues that are normally ignored by human rights specialists because they are too "private" to consider as policy issues: children's labor migration; refugee policy towards unaccompanied minors; financial matters of investor and business responsibility; and complex questions involving access to the benefits of pharmaceutical research, transnational organ trafficking, and the control over genetic research.

This is a completely revised and expanded second edition, building on the first edition with two

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principal aims: to elucidate the role that domestic tort principles play in securing to citizens the human rights standards laid down in the European Convention on Human Rights, including the new 'remedy' under the Human Rights Act 1998; and to evaluate tort principles for compliance with those standards. The first edition was written when the Human Rights Act 1998 was newly enacted and many questions existed as to its potential impact on tort law. Answers to many of the questions, which were raised at that time, are only now emerging. Therefore, the text has been updated to reflect these developments. Whether it is appropriate to attribute particular goals and functions to tort law is highly contested and the analysis begins by locating the discussion within these contemporary debates. The author goes on to examine the extent to which the action against public authorities under section 7 of the Act has impacted on the development of common law principles, as well as the issue of horizontal effect of the Act between non-state actors. New chapters include: 'A Human Rights Based Approach to Tort Law' and 'Public Authority Liability and Privacy – From Misuse of Private Information to Autonomy.'

In this book the interaction between the rights guaranteed in the European Convention of Human Rights (ECHR) and private international law has been analysed by examining the case law of the European Court of Human Rights (the Court) and selected national courts. In doing so the book focuses on the impact of the ECHR on the three main issues of private international law: jurisdiction, applicable law and the recognition and enforcement of foreign judgments. Next to a list of cases consulted and a comprehensive bibliography, the book offers brief introductions to PIL and the ECHR for readers who are less familiar with either of the topics. This makes the book not only a valuable tool for specialists and practitioners in the

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fields covered, but at the same time a well-documented basis for students and starting researchers specializing in either or both directions.

Exploring Social Rights looks into the theoretical and practical implications of social rights. The book is organised in five parts. Part I considers theoretical aspects of social rights, and looks into their place within political and legal theory and within the human rights tradition; Part II looks at the status of social rights in international law, with reference to the challenge of globalisation and to the significance of specific regional regulation (such as the European System); Part III includes discussions of various legal systems which are of special interest in this area (Canada, South Africa, India and Israel); Part IV looks at the content of a few central social rights (such as the right to education and the right to health); and Part V discusses the relevance of social rights to distinct social groups (women and people with disabilities). The articles in the book, while using the category of social rights, also challenge the separation of rights into distinct categories and question the division of rights to 'civil' vs 'social' rights, from a perspective which considers all rights as 'social'. This book will be of interest to anyone concerned with human rights, the legal protection of social rights and social policy. 'Social rights are the stepchildren of the human rights family. Are they really 'rights'? Can courts enforce them? And does it make any difference when they try? This remarkable collection of essays by distinguished scholars offers important new responses to all the basic questions. Ranging across disciplinary and national boundaries and brimming with both theoretical and practical insights, the book is especially welcome in this moment of mounting inequalities and growing interest in the possibilities and perils of social rights.' William E Forbath, Lloyd M Bentsen Chair in Law and Professor of History, University of Texas at Austin 'At the auspicious

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moment of the sixtieth anniversary of the Universal Declaration of Human Rights, and more than half a century since the beginning of the Human Rights Revolution—a time characterized by the end of the cold war, globalization and privatization, comes this important compilation which critically revisits the international commitment to social rights, and reconceives its core distinguishing principles—from crosscutting comparative, theoretical and practical perspectives—illuminating our commitment to human security.' Ruti Teitel, Ernst Stiefel Professor of Comparative Law, New York Law School. Author, 'Transitional Justice' (OUP 2002)

This book provides a comparative perspective on one of the most intriguing developments in law: the influence of basic rights and human rights in private law. It analyzes the application of basic rights and human rights, which are traditionally understood as public law rights, in private law, and discusses the related spillover effects and changing perspectives in legal doctrine and practice. It provides examples where basic rights and human rights influence judicial reasoning and lead to changes of legislation in contract law, tort law, property law, family law, and copyright law. Providing both context and background analysis for any critical examination of the horizontal effect of fundamental rights in private law, the book contributes to the current debate on an important issue that deserves the attention of legal practitioners, scholars, judges and others involved in the developments in a variety of the world's jurisdictions. This book is based on the General Report and national reports commissioned by the International Academy of Comparative Law and written for the XIXth International Congress of Comparative Law in Vienna, Austria, in the summer of 2014.

The Global Citizenship Commission was convened, under the leadership of former British

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Prime Minister Gordon Brown and the auspices of NYU's Global Institute for Advanced Study, to re-examine the spirit and stirring words of The Universal Declaration of Human Rights. The result – this volume – offers a 21st-century commentary on the original document, furthering the work of human rights and illuminating the ideal of global citizenship. What does it mean for each of us to be members of a global community? Since 1948, the Declaration has stood as a beacon and a standard for a better world. Yet the work of making its ideals real is far from over. Hideous and systemic human rights abuses continue to be perpetrated at an alarming rate around the world. Too many people, particularly those in power, are hostile to human rights or indifferent to their claims. Meanwhile, our global interdependence deepens. Bringing together world leaders and thinkers in the fields of politics, ethics, and philosophy, the Commission set out to develop a common understanding of the meaning of global citizenship – one that arises from basic human rights and empowers every individual in the world. This landmark report affirms the Universal Declaration of Human Rights and seeks to renew the 1948 enterprise, and the very ideal of the human family, for our day and generation. This comprehensive and important volume includes contributions by activists, journalists, lawyers and scholars from twenty-one countries. The essays map the directions the movement for women's rights is taking--and will take in the coming decades--and the concomitant transformation of prevailing notions of rights and issues. They address topics such as the rapes in former Yugoslavia and efforts to see that a War Crimes Tribunal responds; domestic violence; trafficking of women into the sex trade; the persecution of lesbians; female genital mutilation; and reproductive rights. This book challenges several traditional assumptions concerning human rights. In particular it

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challenges the presumption that the fundamental rights and freedoms contained in the European Convention on Human Rights are irrelevant for cases which concern the sphere of relations between individuals. It asks whether victims should be protected from non-state actors, and attempts to develop a coherent approach to 'human rights in the private sphere'. This study concentrates on the rights contained in the European Convention on Human Rights, and their enforcement in the courts of the United Kingdom and at the European level; at the European Commission and Court of Human Rights in Strasbourg, and at the European Court of Justice in Luxembourg. In addition, some constitutional cases are examined from the United States and Canadian legal orders. The application of international human rights law to the private sphere has implications for the worlds of labour relations, race relations, discrimination and violence against women, and for victims of indignities everywhere. This study shows that respect for privacy need not mean excluding wrongs in the private sphere from the world of human rights.

Enderle illustrates the importance of corporate responsibility by integrating wealth creation and human rights. An invaluable reference for students, teachers and researchers in business and economic ethics, social sciences and human rights studies, as well as for leaders in business, civil society organizations and international institutions.

Business corporations can and do violate human rights all over the world, and they are often not held to account. Emblematic cases and situations such as the state of the Niger Delta and the collapse of the Rana Plaza factory are examples of corporate human rights abuses which are not adequately prevented and remedied. Business and human rights as a field seeks to enhance the accountability of business – companies and businesspeople – in the human rights

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area, or, to phrase it differently, to bridge the accountability gap. Bridging the accountability gap is to be understood as both setting standards and holding corporations and businesspeople to account if violations occur. Adopting a legal perspective, this book presents the ways in which this dual undertaking has been and could be further carried out in the future, and evaluates the extent to which the various initiatives in the field bridge the corporate accountability gap. It looks at the historical background of the field of business and human rights, and examines salient periods, events and cases. The book then goes on to explore the relevance of international human rights law and international criminal law for global business. International soft law and policy initiatives which have blossomed in recent years are evaluated along with private modes of regulation. The book also examines how domestic law, especially the domestic law of multinational companies' home countries, can be used to prevent and redress corporate related human rights violations.

This innovative book provides an overview and critical assessment of the current avenues and remedies available to victims seeking recourse from private military and security companies (PMSCs) for human rights violations.

From unsafe working conditions in garment manufacturing to the failure to consult indigenous communities with regard to extractive industries that affect them, human rights violations remain a pervasive aspect of the global economy. Advocates have long called upon states, as the primary duty bearers and enforcers of human rights, to hold corporations directly accountable for violations committed throughout the supply chain. More recently, many business and human rights advocates have considered the development and enforcement of private regulatory initiatives (PRIs) to certify that actors along the supply chain conform to

