

explanation as to its context. For instance, on p. 641 Articles 16 and IX of the Dutch Constitution, dealing *inter alia* with non-retroactivity of criminal statutes and statutory limitations, are included. What is lacking is the text of the 1971 Act on statutes of limitation with respect to war crimes and crimes against humanity, without which the meaning of the constitutional provisions may be easily misunderstood. Notwithstanding such criticism Volume III is perhaps the most precious volume of all three. In more than eight hundred pages a documentary history of transition processes from 1945 up to 1995 is made available. We must be very grateful to Neil Kritz for having provided it to the world.

Daan Bronkhorst, a member of Amnesty International's Dutch Section, has been engaged in research into human rights violations during the past fifteen years. He also had the opportunity of visiting a number of countries that entered into a process of transition after having been the scene of systematic violations of human rights by former political regimes. His book reflects the growing involvement of non-governmental organisations with the issue of transitional justice in the recent past. It offers both an excellent introduction to the problems involved in such processes and a vivid account of his personal experiences and meetings with other people. The character of his book is similar to Tina Rosenberg's *The Haunted Land: Facing Europe's Ghosts After Communism*, also published in 1995.

Bahiyih G. Tahzib, Freedom of Religion or Belief. Ensuring Effective International Legal Protection, Kluwer Law International, The Hague, 1996, 600 pp.*

Monographs on particular rights and freedoms are still a relative rarity in the international human rights literature. Their value is amply demonstrated by this book. It is not possible to dig deep into the genesis of UN inspired norms that comprise the catalogue of universal rights in the main human rights textbooks. They must cover so much in limited space. No article, however specialist the journal, can pretend at comprehensiveness in its treatment of even a single right. It takes a book length study and the commitment in time and dedication it entails to provide such comprehensiveness. That is what Ms Tahzib has delivered in this excellent study. The downside should be mentioned and dismissed. The opportunity to prepare a book of this scope is often linked to advanced study, in this case a doctorate at the University of Utrecht. The published book comes trailing clouds of the schema and self-conscious requisites of her research degree which will restrain its accessibility except for the most interested of readers. But the notion that a book such as this is read at one sitting or from start to finish by anyone is fanciful. It is an intellectual resource for specialists to be mined for information about and critique of a neglected freedom, which however, cannot be so simply described for the future. There is no other single source in existence which has so assiduously tracked the history of the right to freedom of belief, or which charts the dilemmas and options within the United Nations over its further normative progress. In that regard it is a *tour de force*.

The author sets out to recount in exceptional (and enormously useful) detail the particular story of how freedom of religion came to be included, defined and protected in the international standards on human rights. That account is prefaced by a chapter,

* Kevin Boyle, Professor of Law, Director of the Human Rights Centre at the University of Essex, UK.

Freedom Of Religion Or Belief ensuring Effective International Legal Protection International Studies In Human Rights

Geoff Gilbert



Freedom Of Religion Or Belief ensuring Effective International Legal Protection International Studies In Human Rights:

Freedom of Religion and Belief: A World Report Kevin Boyle, Juliet Sheen, 2013-03-07 This report the first of its kind yet to be published provides a detailed and impartial account of how the individual's right to hold beliefs is understood protected or denied throughout the world Consisting of accessible short edited entries based on drafts commissioned from experts living in the countries surveyed it exposes persecution and discrimination in virtually all world regions The book provides an analysis of United Nations standards of freedom of religion and belief covers over fifty countries divided into regions and introduced by a regional overview covers themes including the relationships between belief groups and the state freedom to manifest belief in law and practice religion and schools religious minorities new religious movements the impact of beliefs on the status of women and the extent to which conscientious objection to military service is recognised by governments draws on examples of accommodation and co operation between different religions and beliefs and identifies the main challenges to be overcome if the diversity of human conviction is to be established

New Approaches to the Study of Religion Peter Antes, Armin W. Geertz, Randi Ruth Warne, 2004

The Right to Religious Freedom in International Law Anat Scolnicov, 2010-10-18 This book explores the right to religious freedom within international law Analysing legal structures in a variety of both Western and Non Western jurisdictions the book sets out a topography of the different constitutional structures of religion within the state and their compliance with international human rights law

The Faith Community and the Law Temitope Olodo, 2008-09-09 Understanding the concept of religious freedom is essential for policy writers faith practitioners and more importantly anyone eager to engage with the faith community An effective faith engagement and implementation strategy must take account of the legal development in the field of religious discrimination This author takes the readers on a journey that provides an explanatory legal etymology of the concept of religious discrimination within the international scene and the United Kingdom before the arrival of HRA 1998 This book also examines protections available in other common law countries like USA Australia Nigeria and South Africa

The EU's Approach to Human Rights Conditionality in Practice Elena Fierro, 2021-10-18 Human rights in the external relations of the EU may manifest itself in different manners one of them is the conditionality policy that the EU applies to third countries This study intends to explore the modalities of this conditionality policy as well as its nature and reach It also analyzes how the policy could be improved and be made more coherent and effective The point of departure is the division made between two modes of conditionality *ex ante* and *ex post* In the first case the EU issues conditions which must be fulfilled before the negotiation or conclusion of a given agreement or an action with a view to strengthening the relations The second case conditionality *ex post* is when conditions are already part of an agreement or an established relation The so called human rights clause or democratic clause incarnates the second modality This study explores both types of conditionality but puts a special emphasis on the

second given its legal nature its reciprocity and its systematic inclusion in all framework agreements It is argued here that this clause could represent the basis of a fully fledged human rights policy of EU At present however the implementation of the clause has been fragmentary The interpretation that has prevailed the human rights clause being a mechanism of exclusively punitive nature has constituted an obstacle for its implementation In addition the clause has been activated only as a response to breaches of democratic principles and not human rights in the ACP countries and not other regions The human rights clause has been the victim of the sectorial approaches where policy choices were determined by the instrument at issue It is about time for the EU to revisit the interpretation of the clause in order to make of it a dynamic instrument integrated in a global and coherent external human rights policy

Freedom of Religion and Belief Rinaldo Cristofori, Silvio Ferrari, 2016-12-05 The essays and articles selected for this volume analyze what is generally understood by freedom of religion and belief in today's world The different aspects of this fundamental right are considered from the contents of freedom of religion to the possible limitations of this freedom and from the freedom of or freedom from conundrum to the question of the collective or individual right This volume reflects legal philosophical and international perspectives addresses numerous unanswered questions and offers an effective overview of the current literature and debate in this aspect of the discipline of law and religion

Protecting the Religious Freedom of New Minorities in International Law Fabienne Bretscher, 2019-09-19 This book examines the interpretation and application of the right to freedom of religion and belief of new minorities formed by recent migration by the European Court of Human Rights ECtHR and the United Nations Human Rights Committee HRC New minorities are increasingly confronted with restrictions of their religious practices and have addressed their rights claims both to the ECtHR and the HRC through their individual complaint procedures which resulted in several contradicting decisions Based on a quantitative and qualitative empirical analysis of the relevant case law focusing in particular on the reasoning adopted by the two bodies this book finds that the HRC in its practice offers a significantly higher level of protection to new minorities than the ECtHR Such divergence may be explained by various institutional and conceptual differences of which the concept of the margin of appreciation is the most influential It is contended that the extensive use of the concept of the margin of appreciation by the ECtHR in the case law regarding new minorities right to freedom of religion and belief and the absence of such concept in the HRC's case law could be explained by different understandings of the role of an international human rights body in conflicts between the majority and minorities This book argues that such divergence could be mitigated with various tools such as the inclusion of cross references to the case law of other relevant bodies as well as to instruments specifically established for the protection of minorities The book will be of interest to academics researchers and practitioners in the area of international human rights law international public law in general and law and religion

Religious Actors and International Law Ioana Cismas, 2014-07-17 This book assesses whether a new category of religious actors has been constructed within international

law Religious actors through their interpretations of the religion s they are associated with uphold and promote or indeed may transform potentially oppressive structures or discriminatory patterns This study moves beyond the concern that religious texts and practices may be incompatible with international law to provide an innovative analysis of how religious actors themselves are accountable under international law for the interpretations they choose to put forward The book defines religious actors as comprising religious states international organizations and non state entities that assume the role of interpreting religion and so claim a special legitimacy anchored in tradition or charisma Cutting across the state non state divide this definition allows the full remit of religious bodies to be investigated It analyses the crucial question of whether religious actors do in fact operate under different international legal norms to non religious states international organizations or companies To that end the Holy See Vatican the Organization of Islamic Cooperation and churches and religious organizations under the European Convention on Human Rights regime are examined in detail as case studies The study ultimately establishes that religious actors cannot be seen to form an autonomous legal category under international law they do not enjoy special or exclusive rights nor incur lesser obligations when compared to their respective non religious peers Going forward it concludes that a process of two sided legitimation may be at stake religious actors will need to provide evidence for the legality of their religious interpretations to strengthen their legitimacy and international law itself may benefit from religious actors fostering its legitimacy in different cultural contexts

Christianity and Human Rights

Frederick M. Shepherd,2009-07-15 In Christianity and Human Rights Christians and the Struggle for Global Justice Frederick M Shepherd has collected essays by scholars and activists who in a wide variety of ways confront the issue of Christianity s role in the burgeoning movement for human rights The volume s contributors provide diverse perspectives on the theology behind the idea of human rights the debate over the its meaning and the evolution of the struggle for human rights A wide variety of disciplinary perspectives are represented from economics political science and law to history philosophy and theology The essays also represent a broad political spectrum including specific accounts from activists participating in the struggle for human rights Separate chapters focus on cases from Europe Africa Latin America and Asia Christianity and Human Rights begins and ends with attempts to synthesize current theory and practice acknowledging both Christianity s great success and its failures in defending basic human rights around the globe

Human Rights Functions of United Nations Peacekeeping Operations Mari Katayanagi,2021-10-25 The United Nations peacekeeping has evolved as a practical measure for preserving international peace and security Recent peacekeeping has two important features the use of force which arguably exceeds self defence on the one hand and multifunctional operations on the other The Security Council has started considering a wide range of factors including serious human rights violations as threats to international peace and security Recognising the UN s principle to seek peaceful settlement which underlies the legality of peacekeeping this research focuses on the human rights functions of multifunctional peacekeeping operations Such functions have immense

potential for enhancing conflict resolution through peaceful means In order to illustrate these issues and the diverse practice of UN peacekeeping the author of this book has dealt with four detailed case studies on El Salvador Cambodia Rwanda and the former Yugoslavia The achievements problems and defects experienced by different operations are analysed using the insights of the author's own experience in a peacekeeping operation Religion, Human Rights and International Law Javaid Rehman, Susan Breau, 2007-07-30 Freedom of religion is a subject which has throughout human history been a source of profound disagreements and conflict In the modern era religious based intolerance continues to provide lacerative and tormenting concern to the possibility of congenial human relationships As the present study examines religions have been relied upon to perpetuate discrimination and inequalities and to victimise minorities to the point of forcible assimilation and genocide The study provides an overview of the complexities inherent in the freedom of religion within international law and an analysis of the cultural religious relativist debate in contemporary human rights law As many of the chapters examine Islamic State practices have been a major source of concern In the backdrop of the events of 11 September 2001 a considerable focus of this volume is upon the Muslim world either through the emergent State practices and existing constitutional structures within Muslim majority States or through Islamic diasporic communities resident in Europe and North America **Post-War Protection of Human Rights in Bosnia and Herzegovina** Michael O'Flaherty (Solicitor), Gregory Gisvold, 1998-09-23 Herzegovina and its annexes *Human Rights and Human Security* Bertie G. Ramcharan, 2021-10-18 The quest for human security is a defining issue of our times The international human rights norms define the content of human security In the contemporary world it is of the utmost importance to understand the linkages between human rights and human security The relationship between freedom and security is also a central issue of our times This is the first book ever to trace the links between human rights and human security It provides answers to a key question How does the protection of human rights in the contemporary world contribute to human security and how can one strengthen protection in the future Defaming the Freedom of Religion or Belief BM van Schaik, 2025-05-29 This book explores the intricate terrain of international religious freedom discourse It examines the evolution and controversies surrounding the formulation and interpretation of the freedom of religion or belief as a universal right within the United Nations From legal and philosophical standpoints to the political dimensions of the subject the book navigates through the complex terrain shedding light on challenges to the universality and non discriminatory implementation of this fundamental freedom Beyond theoretical and legal debates the study reveals how actors within the United Nations have defamed the freedom of religion or belief reshaping its interpretation away from its original 1948 objectives The book explores the dynamic interplay of postmodern views legal intricacies and political perspectives contributing to a potential diminishment of the normative force of related legal provisions It addresses critical topics including religious tolerance blasphemy defamation of religion and apostasy offering a comprehensive understanding of the evolving landscape of international human rights

discourse This is an indispensable resource for scholars policymakers and anyone seeking a profound insight into the challenges and transformations shaping the global pursuit of religious freedom *The African Human Rights System*

Vincent O. Nmehielle, 2021-09-13 This volume is a comprehensive treatment of the African human rights system in terms of the laws practice and institutions of the system The volume discusses analyzes and evaluates normative instruments of the African system the Charter of the Organization of the African Unity OAU and the African Charter on Human and Peoples Rights presenting article by article analysis of its provisions and those of the Protocol on the Establishment of the African Court on Human and Peoples Rights Similarly the OAU now the African Union the African Commission on Human and Peoples Rights and the proposed African Court on Human Rights as institutions of the system are discussed The book emphasizes a comparative approach and presents a summary of the UN the European and the Inter American human rights mechanisms with regard to their impact on the African system The role of NGOs in the African system is also considered as well as the controversial issue of human rights in pre colonial and colonial Africa **Responding to International Crime**

Geoff Gilbert, 2006 Following the wars in the former Yugoslavia and Rwanda and the events of 11 September 2001 awareness of international crimes has come to the forefront of public consciousness The very public responses seen in the establishment by the Security Council of the ad hoc tribunals and the international community coming together to create the International Criminal Court have done much to promote the idea that there should be no impunity for international criminals Nevertheless while those are incredibly significant steps in the attempt to combat international crime there is no way due to their jurisdictional competence that such bodies could ever hope to address all the various crimes that are committed that are not confined to a single domestic jurisdiction either by reason of their nature or trans border factors As such the response of the international community to international crime depends as much on extraterritorial criminal jurisdiction mutual legal assistance agreements extradition and other means of lawful rendition Furthermore given the fundamental rule that a person is innocent until proven guilty and that everyone within the jurisdiction of a State is owed certain basic minimum human rights guarantees responses to international crime cannot be without limitation Respect for the alleged transnational fugitive offender is as important a factor in responding to international crime as preventing impunity for genocide crimes against humanity war crimes and gross human rights violations **Group Rights and Discrimination in International Law**

Natan Lerner, 2021-10-18 Group hatred disregard for the collective aspirations of religious ethnic or cultural minorities genocide ethnic cleansing apartheid and anti-Semitism have been at the roots of the greatest tragedies of our time and are a source of internal and international conflict This volume studies this wide range of problems from the perspective of modern human rights law with special emphasis on racism and religious intolerance Also dealt with are measures adopted or to be taken for the protection of specific groups including indigenous populations and migrant workers as well as the present situation regarding the conventions against genocide discrimination in education and labour and the

steps and declarations for the strengthening of group identity and their advancement Special areas such as slavery affirmative action and modern models to preserve the collective personality are also discussed including protective penal measures

Facilitating Freedom of Religion or Belief: A Deskbook W. Cole Durham, Tore Sam Lindholm, Bahia Tahzib-Lie, NA Oslo Coalition on Freedom of Religion or Belief, NA Norway, NA Norsk senter for menneskerettigheter, NA Brigham Young University, 2013-12-11 As the world enters the 21st Century the challenges in implementing freedom of religion or belief grow more complex and more acute How can the internationally recognized norms regarding freedom of religion or belief be meaningful for all women and men majorities and minorities established religions and new religious movements parents and children How can tolerance mutual respect and understanding be globally expanded How does freedom of religion or belief relate to other human rights Launched by the Oslo Coalition on Freedom of Religion or Belief this deskbook anthology is designed as a single volume resource for all who are concerned with facilitating improved global compliance with international standards in this vital area The varied and diverse topics addressed by over fifty global experts in the field provide a rich weave of many threads The book addresses historical and philosophical background on religious human rights applicable international norms and the international procedural mechanisms for safeguarding these norms It surveys central areas of controversy including registration of religious and belief organizations emerging debates on religion and gender parental and children s rights new religious movements proselytism and conscientious objection Other chapters describe practical approaches to promoting tolerance and understanding through education inter religious dialogue joint religious efforts addressing shared social problems and conflict resolution initiatives The volume also provides practical information regarding networking and other background issues that can help translate understanding of the applicable norms and procedures into action Appendices provide texts of major international instruments on freedom of religion or belief

Religion, Secular Beliefs and Human Rights Natan Lerner, 2006-06-01 This second edition of the book updates the information on relevant developments that took place in the time elapsed and incorporates several new chapters on important issues related to religious freedoms Such are the chapters on freedom from religion religion and freedom of association religion and freedom of expression including the controversy with respect of defamation of religions and group rights and legal pluralism The order of the chapters has been rearranged

Trafficking of Human Beings from a Human Rights Perspective Tom Obokata, 2006-11-01 Trafficking of human beings is a widespread practice in the modern world It has been estimated that between 600 000 and 800 000 people the majority of whom are women and children are trafficked worldwide each year The rapid growth in trafficking of human beings and its transnational nature have prompted the international community to take urgent action and a major step was taken when the United Nations adopted the Protocol to Prevent and Suppress Trafficking in Persons Especially Women and Children Trafficking Protocol attached to the United Nations Convention against Transnational Organised Crime Organised Crime Convention in December 2000 Yet addressing

the human rights aspects of the phenomenon has proven to be difficult in practice and so far a holistic approach which addresses wider issues surrounding the phenomenon has not been taken. The purpose of this book is to go further than simply recognising that trafficking is a human rights issue. It attempts to establish a human rights framework to analyse and address the act by identifying applicable human rights norms and principles from the beginning to the end of the trafficking process such as the rights to life, work, health as well as freedom from torture and slavery. It then articulates key obligations under international human rights law including the obligations to prohibit trafficking, punish traffickers, protect victims and to address the causes and the consequences of the practice.

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