
International Human Rights

Series Editor

Stephen Hoadley

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Auckland, New Zealand

This series improves our understanding of why and how human rights norms are violated, and how violations can be minimized and human rights can be protected more effectively. The series covers the human rights and civil liberties outlined in intergovernmental treaties, protocols, resolutions, and declarations, and it analyzes how they are adjudicated by international tribunals and implemented by governments or intergovernmental institutions such as the United Nations.

The academic reader will discover authoritative, timely information, and current insights on international human rights, as well as emerging issues for further research. The human rights activist will find examples of mitigation of violations by institutional, political, and popular initiatives and learn how to use or improve on those initiatives. Potential or actual victims and their advocates will learn how violations arise and, hopefully, how to anticipate and counter or evade them.

More information about this series at <http://www.springer.com/series/15218>

Gerd Oberleitner
Editor

International Human Rights Institutions, Tribunals, and Courts

 Springer

Editor

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Series Preface

Welcome to the latest volume in this Springer Nature series of reference handbooks on International Human Rights. This series arose from the conviction by the series editor, shared by chapter contributors and the Springer editorial staff, that protection of human rights not only is, but increasingly ought to be, an essential element in the policies of all governments, international organizations, and civil society associations. Therefore, Springer Nature has sponsored this series of reference handbooks under the title International Human Rights and has successfully solicited the participation of handbook editors and contributors who share a central conviction: that human rights are important and their protection and enhancement should be given high priority.

Why “international”? While it is true that human rights protection is primarily the responsibility of governments, it is also true that governments take their cues from human rights standards that are set out in international treaties, declarations, and initiatives. Even governments that fail, deliberately or inadvertently, to achieve high standards of human rights protection for their citizens are aware, through participation in the Human Rights Council and other UN and regional bodies, and international conferences and courts, of those standards. Through education, emulation, and response to public opinion, it is to be hoped that governments’ behavior will gradually converge with international standards.

It is fitting that the volume “International Human Rights of Children” to emerge in this series is devoted to the human rights of the most vulnerable of human beings, children. It is fitting also that the volume “International Human Rights of Women” is devoted to the largest category of human beings, women. The editors are well aware of the linkage that the denial of children’s human rights can follow directly from the denial of rights to the women who care for children. Their contributors explore these linkages, although from the perspective of children’s rights on the one hand and women’s rights on the other. Two premier treaties the Convention on the Rights of the Child and the Convention on the Elimination of all Forms of Discrimination Against Women are the recognized beacons of the two volumes. But the contributors’ analysis of children’s and women’s rights, and their enhancement in the face of persistent violations, goes beyond legal treaty obligations to encompass political, economic, social, and moral nuances. To both volumes the dedicated editors have attracted a worldwide set of chapter authors, many of whom bring to their

contributions practical experience as well as skills of academic analysis and official policy formulation.

Agreement on high standards of human rights is a necessary first step but not sufficient without effective action. While governments are expected to apply high standards, it is often international institutions that give them voice and energy. The volume “International Human Rights Institutions, Tribunals, and Courts” in this series, on international institutions devoted to human rights, provides not only an anatomy of institutions but also information, analysis, and assessment of their initiatives, processes, and achievements. The volume editor, a senior academic and frequent advisor to governments and international institutions, has assembled contributions traversing the institutional landscape from UN treaty and Charter bodies through international and regional courts and tribunals.

The volume “International Human Rights and Terrorism” in the series is the troubled policy realm of counter-terrorism, troubled because the policies that governments so often are obliged to carry out under pressure of time and outrage can intrude into the legitimate activities of their citizens. Invasion of privacy is but one violation, albeit the most widespread one. More serious are curtailment of civil liberties, arbitrary arrest and prolonged detention, and targeted killings. Also, alleged terrorists have human rights. The contributors to this volume, drawn from experts around the globe, delineate the interface between counter-terrorism and human rights and suggest guidelines and limits.

As series editor, and on behalf of the volume editors and the Springer Nature editorial staff, let me commend these reference handbooks to you and to your colleagues, students, and libraries. Our aim is to provide the most current thinking and information on the issues surrounding the human rights of children and women, the international institutions that set and implement standards, and the dilemmas endemic on counter-terrorism and war.

Auckland, New Zealand

Stephen Hoadley
Series Editor

Volume Preface

This volume introduces readers to the past, present, and future of major global and regional human rights institutions, courts, and tribunals. It assesses the legacy of these institutions and discusses the promise they hold for realizing human rights as well as the challenges they face in doing so. The chapters, written by leading academics, analysts, advocates, and practitioners, trace the rationale of setting up of international human rights institutions, present their historic development, and critically analyze their respective contributions to the promotion and protection of human rights. The broad geographical coverage combines historic analysis with a presentation of contemporary trends and future perspectives and weaves together the law and politics of human rights. In their contributions, the authors explore through different theoretical, practical, and geographical approaches and perspectives the potential of these institutions for safeguarding human rights in light of continuing human rights violations and recent global trends in human rights and international law and politics.

The introductory chapter discusses the legitimacy and authority of international human rights bodies. This is followed by a presentation of human rights institutions created within the framework of the United Nations since the adoption of the Universal Declaration of Human Rights in 1948. This section goes beyond the core human rights institutions (the UN Human Rights Council, the High Commissioner of Human Rights, and the human rights treaty bodies) and includes a gender perspective of the UN's human rights system as well as an analysis of the role of human rights in the International Labour Organization and in UNESCO, the UN's educational, scientific, and cultural organization. It also discusses the suggestion of setting up a world court of human rights.

The second part of the volume assesses how international criminal courts and tribunals have reframed human rights violations as individual criminal acts. The chapters range from the legacy of Nuremberg and Tokyo war crime tribunals and the international criminal tribunals for the former Yugoslavia and Rwanda to the International Criminal Court. This part includes also a reflection on the enforcement of international humanitarian law and a chapter on the past and future role of truth and reconciliation commissions. The third part of the volume is devoted to (established and emerging) regional human rights bodies and courts in Europe, the Americas,

Africa, Asia, and in the Arab world and ends with some notes on a possible agenda for strengthening global and regional human rights institutions.

Graz, Austria

Gerd Oberleitner
Editor

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About the Series Editor



Stephen Hoadley This International Human Rights series of five reference handbooks is coordinated by Series Editor Dr. Stephen Hoadley, Associate Professor of Politics and International Relations at the University of Auckland. He has 15 years of experience in directing the graduate degree of Master of Professional Studies in International Relations and Human Rights. Stephen Hoadley is a graduate of the University of California at Santa Barbara and has taught at universities in the United States, Japan, Hong Kong, and New Zealand. He is the author of nine books on international affairs, is a commentator on TV and radio as well as a speaker to civic groups, and has served on three government advisory committees.

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