



# Human Rights And Forced Displacement

**David Hollenbach**



## **Human Rights And Forced Displacement:**

**Human Rights and Forced Displacement** Joan Fitzpatrick, Anne Bayefsky, 2021-10-18 A comprehensive approach to the problem of forced displacement involves understanding and addressing human rights issues in a multiplicity of forms This collection aims to contribute to the institutional capacities of the many different players to operationalise the human rights of refugees and the internally displaced by conceptualising the emerging issues and priorities and advancing policy thinking on human rights and forced displacement Each of the sections of the book approaches this issue from a different perspective The section on standards asks What international human rights standards apply to the forcibly displaced How do they apply Have there been failures Are there gaps in the international standards Are there conflicts The section on monitoring reporting asks Who monitors human rights violations Who reports the findings and to whom What are the respective responsibilities of the different actors The section on solutions asks where solutions lie Environmental planning and development International prosecution of war criminals Rebuilding legal infrastructures and national institutions Enhancing the role of human rights NGOs to monitor report and frame forced displacement in human rights terms for increased public understanding and interest The final section looks to the future and considers where asylum fits into the spectrum of solving the nature of forced displacement today the capacities and limitations of international criminal tribunals and the co operative arrangements and practical divisions of labour that need to be fashioned between international agencies and service relief providers

Refugee Rights David Hollenbach, 2008-04-30 Of the over 33 million refugees and internally displaced people in the world today a disproportionate percentage are found in Africa Most have been driven from their homes by armed strife displacing people into settings that fail to meet standards for even basic human dignity Protection of the human rights of these people is highly uncertain and unpredictable Many refugee service agencies agree advocacy on behalf of the displaced is a key aspect of their task But those working in the field are so pressed by urgent crises that they can rarely analyze the requirements of advocacy systematically Yet advocacy must go beyond international law to human rights as an ethical standard to prevent displaced people from falling through the cracks of our conflicted world Refugee Rights Ethics Advocacy and Africa draws upon David Hollenbach SJ's work as founder and director of the Center for Human Rights and International Justice at Boston College to provide an analytical framework for vigorous advocacy on behalf of refugees and internally displaced people Representing both religious and secular perspectives the contributors are scholars practitioners and refugee advocates all of whom have spent time on the ground in Africa The book begins with the poignant narrative of Abebe Feyissa an Ethiopian refugee who has spent over fifteen years in a refugee camp from hell Other chapters identify the social and political conditions integral to the plight of refugees and displaced persons Topics discussed include the fundamental right to freedom of movement gender roles and the rights of women the effects of war and the importance of reconstruction and reintegration following armed conflict The book concludes with suggestions of how humanitarian groups and

international organizations can help mitigate the problem of forced displacement and enforce the belief that all displaced people have the right to be treated as their human dignity demands Refugee Rights offers an important analytical resource for advocates and students of human rights It will be of particular value to practitioners working in the field Human Rights: Group Defamation, Freedom of Expression and the Law of Nations Thomas David Jones, 2021-09-27 In his book Human Rights Group Defamation Freedom of Expression and the Law of Nations Thomas David Jones presents a discussion and analysis of the laws governing group defamation and speech inciteful of racial hatred in Great Britain Canada India Nigeria and the United States Although there exists no federal group defamation law in the United States a few state legislatures have promulgated group defamation statutes while a cause of action for group defamation has been recognized as justiciable in the decision law of other states Mr Jones describes his theory as constitutional minimalism because he does not advocate the legal proscription of all derogatory hate speech Only the sub category of hate speech that fulfills the standard elements of proof found in common law defamation claim will be prosecuted criminally by the federal government The author further asserts that a carefully and narrowly drafted federal criminal group defamation statute will pass constitutional muster without creating a conflict with First Amendment rights **Human Rights and Refugees, Internally Displaced Persons and Migrant Workers** Anne Bayefsky, 2005-12-01 An extraordinary volume with 28 of the world's leading refugee and human rights scholars and advocates in a wide ranging examination of the major issues in the field today the theoretical challenges of international protection lessons learned from the field including Afghanistan Iraq and Sudan jurisprudential responses from courts and treaty bodies on the rights and responsibilities of protection due process issues from Europe Canada and the United States and the special needs of migrant workers The book brings together a unique group of experts including UNHCR officials legal academics and practitioners and uniquely tackles these crucial subjects from the perspectives of theory legal practice and advocacy **Human Rights Standards** Makau Mutua, 2016-01-14 A bracing critique of human rights law and activism from the perspective of the Global South How are human rights norms made who makes them and why In Human Rights Standards Makau Mutua traces the history of the human rights project and critically explores how the norms of the human rights movement have been created Examining key texts and documents published since the inception of the human rights movement at the end of World War II he crafts a bracing critique of these works from the hitherto underutilized perspective of the Global South Attention is focused on the deficits of the international order and how that order which is defined by multiple asymmetries defines human rights in a manner that exhibits normative gaps and cultural biases Mutua identifies areas of further norm development and concludes that norm creating processes must be inclusive and participatory to garner legitimacy across various cleavages and divides The result is the first truly comprehensive critical look at the making of human rights norms and standards and as such will be an invaluable resource for students scholars activists and policymakers interested in this important topic Internally

Displaced Persons and International Refugee Law Bríd Ní Ghráinne, 2022-03-15 Internally Displaced Persons IDPs are persons who have been forced to leave their places of residence as a result of armed conflict violence human rights violations or natural or human made disasters but who have not crossed an international border There are about 55 million IDPs in the world today outnumbering refugees by roughly 2 1 Although IDPs and refugees have similar wants needs and fears IDPs have traditionally been seen as a domestic issue and the international legal and institutional framework of IDP protection is still in its relative infancy This book explores to what extent the protection of IDPs complements or conflicts with international refugee law Three questions form the core of the book s analysis What is the legal and normative relationship between IDPs and refugees To what extent is an individual s real risk of internal displacement in their country of origin relevant to the qualification and cessation of refugee status And to what extent is the availability of IDP protection measures an alternative to asylum It argues that the IDP protection framework does not as a matter of law undermine refugee protection The availability of protection within a country of origin cannot be a substitute for granting refugee status unless it constitutes effective protection from persecution and there is no real risk of refoulement The book concludes by identifying current and future challenges in the relationship between IDPs and refugees illustrating the overall impact and importance of the findings of the research and setting out questions for future research

**The United Nations System for Protecting Human Rights** Dinah L. Shelton, 2016-12-05 The United Nations has been at the forefront of developing the international law of human rights for nearly seven decades This volume brings together the leading research articles on the development of human rights law by the United Nations and also includes essays on issues relating to standard setting institutional evolution and the creation of monitoring procedures

**Driven from Home** David Hollenbach, SJ, 2010-04-19 Throughout human history people have been driven from their homes by wars unjust treatment earthquakes and hurricanes The reality of forced migration is not new nor is awareness of the suffering of the displaced a recent discovery The United Nations High Commissioner for Refugees estimates that at the end of 2007 there were 67 million persons in the world who had been forcibly displaced from their homes including more than 16 million people who had to flee across an international border for fear of being persecuted due to race religion nationality social group or political opinion Driven from Home advances the discussion on how best to protect and assist the growing number of persons who have been forced from their homes and proposes a human rights framework to guide political and policy responses to forced migration This thought provoking volume brings together contributors from several disciplines including international affairs law ethics economics and theology to advocate for better responses to protect the global community s most vulnerable citizens

*Developing a Normative Framework for the Protection of Internally Displaced Persons* Simon Bagshaw, 2021-10-01 The author presents a systematic review of the role of treaties in international law and seeks to demonstrate that their importance is today somewhat overstated given the extent to which States and other organizations tend to resort to more flexible means of

standard setting in order to promote respect for human rights As this text demonstrates the collaboration of various governmental intergovernmental and non governmental representatives can result in an instrument which may be broader in scope and more progressive in content If reinforced by suitable implementation measures it can be even more effective than a treaty in regulating States activities Published under the Transnational Publishers imprint The State of the World's Refugees, 2000 Mark Cutts, Office of the United Nations High Commissioner for Refugees, 2000 Includes statistics

*Protecting Human Rights and Building Peace in Post-Violence Societies* Nasia Hadjigeorgiou, 2020-02-20 This book critically examines the relationship between protecting human rights and building peace in post violence societies It explores the conditions that must be present and strategies that should be adopted for the former to contribute to the latter The author argues that human rights can aid peacebuilding efforts by helping victims of past violence to articulate their grievance and by encouraging the state to respond to and provide them with a meaningful remedy This usually happens either through a process of adjudication whereby human rights can offer guidance to the judiciary as to the best way to address such grievances or through the passing and implementation of human rights laws and policies that seek to promote peace However this positive relationship between human rights and peace is both qualified and context specific Through an interdisciplinary and comparative analysis of four case studies the book identifies the conditions that can support the effective use of human rights as peacebuilding tools Developing these the book recommends a series of strategies that peacebuilders should adopt and rely on Winner of the Constantinos Emilianides Award in Law for 2020 joint conferment

**By all means necessary: Protecting civilians and preventing mass atrocities in Africa** Dan Kuwali, Frans Viljoen, 2017-05-16 Protecting the Internally Displaced Phil Orchard, 2018-11-01 Today there are over 40 million conflict induced internally displaced persons IDPs globally almost double the number of refugees Yet IDPs are protected only by the soft law Guiding Principles on Internal Displacement at the global level Instead of a dedicated international organization IDPs receive protection and assistance only through the UN s cluster approach Orchard argues that while an international IDP protection regime exists many aspects of it are informal with IDP issues bound up in a humanitarian regime complex that divides the mandates of key organizations and even the question of IDP status itself While the Guiding Principles mark an important step forward implementation of laws and policies based on them at the domestic level remains haphazard Action at the international level similarly reflects an all too often ad hoc approach to IDP issues Through an in depth examination of IDP efforts at the international level and across the forty states which have adopted IDP laws and policies Orchard argues that while progress has been made new and greater monitoring and accountability mechanisms at both the domestic and international levels are critical This work will be valuable to scholars students and practitioners of forced migration international relations theory and the Responsibility to Protect doctrine **The International Protection of Internally Displaced Persons** Catherine Phuong, 2005-01-27 Despite the fact that there are up to 25 million internally displaced

persons around the world their plight is still little known Like refugees internally displaced persons have been forced to leave their homes because of war and human rights abuses but they have not left their country This has major consequences in terms of the protection available to them This 2005 book aims to offer a clear and easily accessible overview of this important humanitarian and human rights challenge In contrast with other books on the topic it provides an objective evaluation of UN efforts to protect the internally displaced It will be of interest to all those involved with the internally displaced as well as anyone seeking to gain an overall understanding of this complex issue *The United Nations Convention on the Rights of the Child* Ton Liefaard, Julia Sloth-Nielsen, 2016-11-01 In 2014 the world's most widely ratified human rights treaty one specifically for children reached the milestone of its twenty fifth anniversary The UN Convention on the Rights of the Child was adopted after the fall of the Berlin Wall and in the time since then it has entered a new century reshaping laws policies institutions and practices across the globe along with fundamental conceptions of who children are their rights and entitlements and society's duties and obligations to them Yet despite its rapid entry into force worldwide there are concerns that the Convention remains a high level paper treaty without the traction on the ground needed to address ever continuing violations of children's rights This book based on papers from the conference 25 Years CRC held by the Department of Child Law at Leiden University draws together a rich collection of research and insight by academics practitioners NGOs and other specialists to reflect on the lessons of the past 25 years take stock of how international rights find their way into children's lives at the local level and explore the frontiers of children's rights for the 25 years ahead **Human Rights** EduGorilla Prep Experts, 2024-09-26 EduGorilla Publication is a trusted name in the education sector committed to empowering learners with high quality study materials and resources Specializing in competitive exams and academic support EduGorilla provides comprehensive and well structured content tailored to meet the needs of students across various streams and levels

**Bullets Not Ballots** Jacqueline L. Hazelton, 2021-05-15 In *Bullets Not Ballots* Jacqueline L Hazelton challenges the claim that winning hearts and minds is critical to successful counterinsurgency campaigns Good governance this conventional wisdom holds gains the besieged government popular support denies support to the insurgency and makes military victory possible Hazelton argues that major counterinsurgent successes since World War II have resulted not through democratic reforms but rather through the use of military force against civilians and the co-optation of rival elites Hazelton offers new analyses of five historical cases frequently held up as examples of the effectiveness of good governance in ending rebellions the Malayan Emergency the Greek Civil War the Huk Rebellion in the Philippines the Dhofar rebellion in Oman and the Salvadoran Civil War to show that although unpalatable it was really brutal repression and bribery that brought each conflict to an end By showing how compellence works in intrastate conflicts *Bullets Not Ballots* makes clear that whether or not the international community decides these human moral and material costs are acceptable responsible policymaking requires recognizing the actual components of counterinsurgent success and the limited influence that external powers have over the

tactics of counterinsurgent elites      *Human Rights Protection for Refugees, Asylum-Seekers, and Internally Displaced Persons: A Guide to International Mechanisms and Procedures* Joan Fitzpatrick, 2021-11-22 This volume provides a detailed and concrete analysis of how human rights complaints mechanisms can be accessed by refugees asylum seekers and internally displaced persons The guide offers a thorough explanation of the United Nations human rights treaty bodies with a focus upon the four committees authorized to receive communications from individuals Detailed information is provided concerning procedural requirements while the treaties are analyzed for their relevance to the forcibly displaced United Nations mechanisms are also examined with an emphasis on the thematic and country special procedures of the Commission on Human Rights Published under the auspices of the Procedural Aspects of International Law Institute PAIL For more information about PAIL please go to [pail.institute.org](http://pail.institute.org) Published under the Transnational Publishers imprint      *Ecological Integrity and International Law* Klaus Bosselmann, Kathryn Gwiazdon, Virginia Zambrano, 2025-02-11 This book examines how the principle of ecological integrity in international law and governance can help address our current global crises The principle of ecological integrity points to the basic foundations that must exist for life all life not only to exist but also to flourish Ecological integrity or well being cuts across legal and geopolitical spheres insofar as it is the decisions within our systems of governance that determine the integrity of our various living systems This book provides a comprehensive examination of how the principle of ecological integrity can help us respond to our current crises of global conflict and insecurity Including chapters by both academics and practitioners and by both experienced and emerging authors the book covers a range of contemporary issues the climate crisis war the pandemic food and more at the intersection of peace public health and global security It will appeal to scholars across a range of fields including law sociology political science environmental studies and public health      *The Social Rights Jurisprudence in the Inter-American Court of Human Rights* Isaac de Paz González, Working with progressive conceptual categories relating to indigenous property cultural identity the right to an adequate standard of living and healthcare the Inter American Court of Human Rights continues to build a justiciability to determine the social rights of marginalised individuals and groups in the Americas In a context of interpretative tensions of the social rights as political goals and direct effects provisions Isaac de Paz González unveils the abilities and the practices of the Inter American Court's contribution to the human rights practice in the Global South



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