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Human Rights in the Private Sphere

Andrew Clapham

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Human Rights In The Private Sphere

H. W. Micklitz



Human Rights In The Private Sphere:

Human Rights and the Private Sphere vol 1 Jörg Fedtke, Dawn Oliver, 2007-08-07 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 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 Human Rights in the Private Sphere Andrew Clapham, 1996 *Human Rights and the Private Sphere* Dawn Oliver, Jörg Fedtke, 2007 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 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

Personal Autonomy, the Private Sphere and Criminal Law Peter Alldridge, Chrisje Brants, 2001-03-19 This book contains original essays by a distinguished group of jurists from six different European countries confronting the increasing range of legal and philosophical issues arising from the relationship between privacy and the criminal law The collection is particularly timely in light of the incorporation into English law of the European Convention on Human Rights It compares legal cultures and underlying assumptions with regard to the private sphere personal autonomy and the supposed justifications for State interference through criminalization and the implementation of substantive criminal law The book moves from treatment of general ideas like the relationship between sovereignty the nation state and substantive criminal law in the new European context with its concomitant aspiration towards the establishment of transnational morality to more

detailed consideration of specific areas of substantive law and procedure viewed from a range of perspectives Areas considered include euthanasia surrogacy female genital mutilation and sado masochism

The Many Concepts of Social Justice in European Private Law H. W. Micklitz, 2011-11-01 Does European regulatory private law offer a genuine model of justice for society Beyond its initial libertarian focus on economic integration through the market citizen might it now serve the social inclusion of the vulnerable In the wake of Hans Micklitz's inspired and relentless pursuit of meaning within the ongoing constitutionalization of private law relationships this rich collection explores the implications of new specifically European forms of access rights which ensure horizontally and vertically enforceable and non discriminatory opportunity for market participation Horatia Muir Watt Columbia Law School US This insightful book with contributions from leading international scholars examines the European model of social justice in private law that has developed over the 20th century The first set of articles is devoted to the relationship between corrective commutative procedural and social justice more particularly the role and function of commutative justice in contrast to social justice The second section brings together scholars who discuss the relationship between constitutional order the values enshrined in the constitutional order and the impact of constitutional values on private law relations The third section focuses on the impact of socio economic developments within the EU and within selected Member States on the proprietary order of the EU on the role and function of the emerging welfare state and the judiciary as well as on nation state specific patterns of social justice The final section tests the hypothesis to what extent patterns of social justice are context related and differ in between labour consumer and competition law The Many Concepts of Social Justice in European Private Law will prove to be of great interest to academics of law as well as to private lawyers and European policymakers

Public Rights, Private Relations Jean Thomas, 2015-04-30 The abuse of workers in export processing zones in developing countries the undignified treatment of elderly people in care homes and the dangers for internet users privacy arising from private companies control of their data are prominent examples of how our most fundamental interests are increasingly jeopardized by powerful private actors Jean Thomas argues that while these interests are protected by human and constitutional rights in relation to the state no similar protections exist in relations among private actors To address this problem she develops a theoretical framework for the application of human and constitutional rights among private actors The author proposes a theory of private liability for public rights violations that allows us to answer the question who should bear the duties associated with human and constitutional rights in the private sphere And what do private actors owe one another in respect of the interests protected by these rights In advancing a model of rights that makes the application of public rights among private actors morally plausible and institutionally feasible the book also illuminates the broader conceptual question of what rights are

Fundamental Rights and Private Law in Europe Nuno Ferreira, 2011-05-19 The book explores from a comparative and inter disciplinary perspective the relationship between fundamental rights and private law in Europe a debate usually referred to as *Drittwirkung* or horizontal

effect of fundamental rights It discusses the different models of horizontal effect and the impact that fundamental rights may have in shaping tort law especially the position of child tortfeasors The book concentrates on several European jurisdictions namely France Italy Germany Portugal Sweden Finland and England and Wales At a crossroad between human rights and European private law this study draws insights from several legal fields international European tort constitutional and child law sociology psychology and feminist studies It also considers policy implications and advances proposals which would ensure the optimisation of the effect and maximisation of the effectiveness of fundamental rights in tort law and more generally in private law This book departs from traditional legal doctrines and offers a more pragmatic comprehensive and just legal analysis of the role of fundamental rights in private law It will be of interest to undergraduate and postgraduate students academics practitioners policy makers and activists with an interest in human rights tort law comparative law children s rights and European private law The Horizontal Effect of Fundamental Rights in the European Union Eleni

Frantziou,2019-01-31 This book analyses the horizontal effect of fundamental rights in the European Union from a constitutional perspective It advances two main arguments First it argues that the horizontal effect of fundamental rights i e their application to disputes between private parties cannot be usefully discussed based on the existing EU horizontality doctrine which associates horizontality with the exercise of horizontal direct effect only That doctrine is characterised by a series of overly technical rules as to how the latter may be produced and has a case specific nature that lacks overall constitutional coherence Secondly the book argues that a substantive theory of horizontality is required in EU law and sketches its main parameters In the fundamental rights context horizontal effect has organisational implications for society which go beyond specific intersubjective disputes It is argued that its determination requires an explicit recognition of the public character of certain private platforms of will formation e g the workplace and a discussion of the role of fundamental rights therein At the same time a constitutionally adequate model of horizontality involves an acknowledgment of the supranational character of EU adjudication the determination of horizontal applicability of a fundamental right within a type of private authority relationship falls upon the Court of Justice but the precise manifestation of horizontal effect e g direct indirect or state mediated effect rests with national courts **Non-State Actors in International Law** Math

Noortmann,August Reinisch,Cedric Ryngaert,2015-08-27 The role and position of non state actors in international law is the subject of a long standing and intensive scholarly debate This book explores the participation of this new category of actors in an international legal system that has historically been dominated by states It explores the most important issues actors and theoretical approaches with respect to these new participants in international law It provides the reader with a comprehensive and state of the art overview of the most important legal and political developments and perspectives Relevant non state actors discussed in this volume include in particular international governmental organisations international non governmental organisations multinational companies investors and armed opposition groups Their legal

position is considered in relation to specific issue areas such as humanitarian law human rights the use of force and international responsibility The main legal theories on non state actors position in international law neo positivism the policy oriented approach and transnational law are covered at the beginning of the book and the essential political science perspectives on non state actors role in international politics and globalisation as well as their soft power are presented at the end

Philosophical Foundations of Human Rights Rowan Cruft, S. Matthew Liao, Massimo Renzo, 2015 Readership This book would be suitable for students academics and scholars of law philosophy politics international relations and economics

Human Rights and Social Justice Carole Cox, Tina Maschi, 2022-10-31 Human Rights and Social Justice Key Issues and Vulnerable Populations is a comprehensive text that focuses on central issues of human rights and justice and links them directly with social work competencies and practice Drawing attention to oppression and multiple forms of disadvantage and discrimination based on a person's identity and social location this volume develops an integrated framework to advance human rights and social economic and environmental justice with vulnerable populations and communities across all three levels of practice Each chapter written by leading scholars in their respective fields is designed to enhance students awareness knowledge and understanding of key theories and issues related to diversity human rights and equity Broken into sections providing theory practice and case study illustrations the chapters will first explain and argue that each person regardless of their position in society has basic human rights Students will then see how these knowledges translate into practice through clear and engaging cases that reinforce skills and behaviors that social workers may use to advocate for human rights and ensure that they are distributed equitably and without prejudice Providing a broad overview of social justice and rights based challenges and connecting theory to the profession's core competencies this book is an excellent companion for social work students and faculty engaged in foundation and advanced courses in practice with individuals groups and communities and diversity and oppression

Japan's Private Spheres: Autonomy in Japanese History, 1600-1930 William Puck Brecher, 2021-03-29 Japan's Private Spheres Autonomy in Japanese History 1600 1930 traces the shifting nature of autonomy in early modern and modern Japan In this far reaching interdisciplinary study W Puck Brecher explores the historical development of the private and its evolving relationship with public authority a dynamic that evokes stereotypes about an alleged dearth of individual agency in Japanese society It does so through a montage of case studies For the early modern era case studies examine peripheral living spaces boyhood and self interrogation in the arts For the modern period they explore strategic deviance individuality in Meiji education modern leisure and body maintenance Analysis of these disparate private realms illuminates evolving conceptualizations of the private and its reciprocal yet often contested relationship to the state

Constitutionalization of European Private Law Hans Micklitz, 2014-04-17 In recent years the impact of human rights and fundamental rights on private law has risen in prominence and led to a whole series of detailed investigations Constitutionalization of private law is the flag under which most of the research on the increasing

impact of national constitutional rights on national private legal orders is sailing In the absence of a European Constitution the constitutionalization of European private law suggests a process constitutionalization instead of constituent power demos and the magic constitutional moment The Charter of Fundamental Rights and the European Convention of Human Rights constitute the two pillars on which the transformation of European private law rests This volume clearly demonstrates the change that has taken place at the national and at the European level Private law is no longer immune to the intrusion of fundamental and human rights Whilst member states and the EU are driving the process by adopting ever more concrete and more comprehensive lists of human and fundamental rights at the national the European and international level with overlapping contents the true and key players in this development are the national and European courts Contributions to this volume give this process a face and a direction which is highlighted in the introduction by Hans W Micklitz **Global**

Feminist Ethics Peggy DesAutels, Rebecca Whisnant, 2010 This volume is fourth in the series of annuals created under the auspices of The Association for Feminist Ethics and Social Theory FEAST The topics covered herein from peacekeeping and terrorism to sex trafficking and women s paid labor to poverty and religious fundamentalism are vital to women and to feminist movements throughout the world *Governance and Resistance in World Politics* David Armstrong, James David Armstrong, Theo Farrell, Bice Maiguashca, 2003 The emergence of global governance challenges conventional interpretations of world politics regarding conflicts of interests between sovereign states under conditions of anarchy At the same time the new phenomena of anti globalization demonstrations transnational social movements and an emergent global civil society point to important developments in international relations Leading scholars reflect on the usefulness of thinking about these processes as a dichotomy between the politics of governance and the politics of resistance and consider its application to international relations **Private Law** Kit Barker, Darryn Jensen, 2013-12-05 An examination of contemporary encounters between public law and private law from both theoretical and practical perspectives

Gender-based Violence and Public Health Keerty Nakray, 2013 Gender based violence is a multi faceted public health problem with numerous consequences for an individual s physical and mental health and wellbeing This collection develops a comprehensive public health approach for working with gender based violence paying specific attention to international budgets policies and practice and drawing on a wide selection of empirical studies Divided into two parts the text looks at how public health budgets and policies can be used to influence a range of risk factors and outcomes and then outlines a theoretical and conceptual framework The second section draws on empirical studies to illustrate ways of managing the risks and impacts of and responses to the problem It concludes by summarising those risk factors that can be effectively addressed through appropriately budgeted public health programmes globally Highlighting ways of bolstering protective and resilience factors and identifying early interventions it demonstrates the importance of inter agency interventions through coordinated effort from a wide range of sectors including social services education religious organisations judiciary police media and business This inter disciplinary volume will

interest students and researchers working on gender based violence gender budgeting and public health policy from a range of backgrounds including public health sociology social work public policy gender studies development studies and economics

Persecution, International Refugee Law and Refugees Mathilde Crépin, 2020-07-28 This book explores the ambit of the notion of persecution in international law and its relevance in the current geopolitical context more specifically for refugee women The work analyses different models for interpreting the notion of persecution in international refugee law through a comparative lens In particular a feminist approach to refugee law is adopted to determine to what extent the notion of persecution can apply to gender related forms of violence and what are the challenges in doing so It proposes an interpretive model that would encourage decision makers to interpret the notion of persecution in a manner that is sufficiently protective and relevant to the profiles of refugees in the 21st century most particularly to refugee women The book will be of interest to academics and students in the field of public international law international human rights law international humanitarian law immigration law European law and refugee law as well as those working in the areas of international relations

A Research Agenda for Human Rights Michael Stohl, Alison Brysk, 2020-12-25 This Research Agenda maps thought provoking research trends for the next generation of interdisciplinary human rights scholars in this particularly troubled time It charts the historic trajectory of scholarship on the international rights regime looking ahead to emerging areas of inquiry and suggesting alternative methods and perspectives for studying the pursuit of human dignity

Hired Guns and Human Rights Kuzi Charamba, 2020-10-30 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

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