The International Law Of Human Rights

Human Choice in International Law: Anna Spain Bradley 2021-07-22 An exploration of human choice in international legal and political decision making that investigates the neurobiology of choice and the history of how it has affected international peace and security.

International Law of Human Rights: Michael K. Addo 2017-07-05 International law is a social construct crafted by human endeavour to achieve or at least contribute to the achievement of goals perceived to be valuable or necessary to effective social relations. In effect, international law is no more than a facilitative process and so cannot have answers and conclusions of its own other than what lies within the ambitions of those who define the limits of the process. The essays collected together here reveal how international law facilitates the achievement of the long standing ambition of turning human rights ideals and rhetoric into reality.

The International Law of Human Rights: Walter Kälin 2019-08-29 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 Kälin and Jörg 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 Europe, the Americas and the UN 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 needs and vulnerabilities, and highlights the indivisibility of civil and political rights on the one and economic, social and cultural rights on the other.

Human Dignity and Human Law: Andrea Gattini 2020-12-15 This book reflects on how the concept of human dignity, a central and classical concept in public international law, is used to protect the rights of particularly vulnerable sectors of contemporary society.

The Law of International Human Rights Protection: Walter Kälin 2021-06-24 Customary international law is one of the principal sources of public international law. Although its existence is uncontroversial, until now the content of customary international law in the area of human rights has not been analyzed in a comprehensive manner. This book, from one of international law's foremost scholars and practitioners, provides an unparalleled account of the customary international law of human rights. It discusses the emergence of this customary law, the debates about how it is to be identified, and the efforts at formulation of customary norms. In doing so, the book provides a useful and accessible introduction to the content of international human rights. The author uses the Universal Declaration of Human Rights as a basis to examine human rights norms, and determines whether they may be described as customary. He makes use of relatively new sources of evidence of the two elements for the identification of custom: State practice and opinio juris. In particular, the book draws on the increasingly universal ratification of major human rights treaties and the materials generated by the Universal Periodic Review mechanism of the Human Rights Council. The book concludes that a large number of human rights norms may indeed be described as customary in nature, and that courts should make greater use of customary law as a source of international law.

The Customary International Law of Human Rights: William A. Schabas 2021 Customary international law is one of the principal sources of public international law. Although its existence is uncontroversial, until now the content of customary international law in the area of human rights has not been analyzed in a comprehensive manner. This book, from one of international law’s foremost scholars and practitioners, provides an unparalleled account of the customary international law of human rights. It discusses the emergence of this customary law, the debates about how it is to be identified, and the efforts at formulation of customary norms. In doing so, the book provides a useful and accessible introduction to the content of international human rights. The author uses the Universal Declaration of Human Rights as a basis to examine human rights norms, and determines whether they may be described as customary. He makes use of relatively new sources of evidence of the two elements for the identification of custom: State practice and opinio juris. In particular, the book draws on the increasingly universal ratification of major human rights treaties and the materials generated by the Universal Periodic Review mechanism of the Human Rights Council. The book concludes that a large number of human rights norms may indeed be described as customary in nature, and that courts should make greater use of customary law as a source of international law.

International Law, Human Rights and Public Opinion: Heping Dang 2017-03-16 This book explores situations in which public opinion presents itself as an obstacle to the protection and promotion of human rights. Taking an international law perspective, it primarily deals with two questions: first, whether international law requires States to take an independent stance on human rights issues; second, whether international law encourages States to inform and mobilise public opinion with regard to core human rights standards. The discussion is mainly organised within the framework of the UN system. The work is particularly relevant to situations in which public opinion is responsible for the existence of certain harmful customs and practices such as female genital mutilation and capital punishment. Noting that the death penalty is increasingly recognised as an infringement of human rights, this study further challenges States’ argument that capital punishment cannot be abolished because of public opinion. The book also discusses the role that education bears under international law in moulding favourable attitudes towards human rights. Finally, the book challenges States’ acceptance that public opinion cannot be confronted in this respect.

World Politics, Human Rights, and International Law: Francis A Boyle 2021-02-15 World Politics, Human Rights, and International Law examines the relationship between these concepts based upon the author’s professional experiences dealing with real world problems. It demonstrates the power of international law and human rights to make a positive difference for international peace and justice.

The Law of International Human Rights Protection: Walter Kälin 2021-06-24 Customary international law is one of the principal sources of public international law. Although its existence is uncontroversial, until now the content of customary international law in the area of human rights has not been analyzed in a comprehensive manner. This book, from one of international law’s foremost scholars and practitioners, provides an unparalleled account of the customary international law of human rights. It discusses the emergence of this customary law, the debates about how it is to be identified, and the efforts at formulation of customary norms. In doing so, the book provides a useful and accessible introduction to the content of international human rights. The author uses the Universal Declaration of Human Rights as a basis to examine human rights norms, and determines whether they may be described as customary. He makes use of relatively new sources of evidence of the two elements for the identification of custom: State practice and opinio juris. In particular, the book draws on the increasingly universal ratification of major human rights treaties and the materials generated by the Universal Periodic Review mechanism of the Human Rights Council. The book concludes that a large number of human rights norms may indeed be described as customary in nature, and that courts should make greater use of customary law as a source of international law.

Beyond Human Rights:

Human Rights and Development in International Law: Tahmina Karimova 2016-04-28 This book addresses the legal issues raised by the interaction between human rights and development in contemporary international law. In particular, it charts the parameters of international law that states have to take into account in order to protect human rights in the process of development. In doing so, it departs from traditional analyses, where human rights are mainly considered as a political dimension of development. Rather, the book suggests focusing on human rights as a system of international norms establishing minimum standards of protection of individuals and minimum standards applicable in all circumstances on what is essential for a dignified existence. The various dimensions covered in the book include: the discourse on human rights and development interrelationship, particularly opinio juris and the practice of states on the question; the notion of international assistance and cooperation in human rights law; under legal regimes such as international humanitarian law; and emerging rules in the area of protection of persons in the event of disasters; the extraterritorial scope of economic, social and cultural rights treaties; and legal principles on the respect for human rights in externally designed and planned development activities. Analysis of these topics sheds light on the question of whether international law as it stands today addresses most of the issues concerning the protection of human rights in the development process.

Mobilizing for Human Rights: Beth A. Simmons 2009-08-31 Beth Simmons demonstrates through a combination of statistical analysis and case studies that the ratification of treaties generally leads to better human rights practices. She argues that international human rights law should get more practical and rhetorical support from the international community as a supplement to broader efforts to address conflict, development, and democratization.

International Human Rights Law and Practice: Ilia Bantekas 2020-04-30 The only human rights textbook truly merging law with practice in a comprehensive and enjoyable manner.

The Dimension of Human Rights: Claudia Martin 2001-01-01 The International Dimension of Human Rights includes extracts of judgments, reports and opinions of international supervisory organs and domestic judicial tribunals, as well as the work of scholars in this subject. This casebook has been divided into seven chapters that deal with the following topics: basic notions of international law; the relationship between international law and domestic law; the right to an effective remedy; the right to liberty and security of persons and the right not to be tortured; the right to a fair trial; economic, social and cultural rights; and other aspects of international protection of human rights, such as the rights of women, the rights of indigenous peoples and environmental rights. The casebook also includes the most relevant international treaties on human rights adopted by the Inter-American, universal and European systems.

International Humanitarian Law and Human Rights: Roberta Arnould 2008-06-25 Drawing upon previous theories on the relationship between human rights law and international humanitarian law, this book examines on the basis of a series of individual case-studies the new theoretical trend arguing for a merge of these two sets of norms.
An Introduction to International Human Rights Law

Joseph R. Slaughter 2009-08-25 In this timely study of the historical, ideological, and formal interdependencies of the novel and human rights, Joseph Slaughter demonstrates the way that "human security" might provide the tools for an expansive and integrated interpretation of international human rights.

Human Security and International Law

Barbara von Tigerstrom 2007-12-12 The concept of 'human security' has influenced discourse and practice and has been the subject of vigorous debate. Despite its relevance in discussions of international law, human security has until recently received little attention from international lawyers. This book has two related goals: to evaluate human security as a concept that could be used in the analysis of international law, and to determine what insights about a human security approach might be gained by considering it from the perspective of international law.

International Law and Human Rights

Surya P. Sharma 1991

Slavery in International Law

Jean Allain 2012-10-12 Slavery in International Law sets out the law related to slavery and lesser servitudes, including forced labour and debt bondage; thus developing an overall understanding of the term human 'exploitation', which is at the heart of the definition of trafficking.

Hierarchy in International Law

Ian D. Seiderman 2001-01-31 Custom and "Soft Law"

Fragmentation in International Human Rights Law

Marjan Ajevski 2017-07-14 This book explores the effects of institutional fragmentation in international human rights law, by comparing the rights jurisprudence of three human rights courts and bodies, namely the European Court for Human Rights, the Inter-American Court for Human Rights and the Human Rights Committee.

Contributions cover the areas of freedom of expression (journalism and the media), right to privacy, freedom of assembly and freedom of association (political parties), and measure the extent of fragmentation of human rights protection. Moreover, the volume argues that, while the conflict of laws approach, favoured by the International Law Commission, might work in avoiding outright conflict in obligation, in practice it is not an approach that presents a viable research agenda when it comes to understanding the causes and consequences of institutional fragmentation.

This is especially evident in areas like international human rights, where the possibility of a silent drift between the jurisprudence of the three courts is a real possibility. This book was originally published as a special issue of the Nordic Journal of Human Rights.

Human Rights Related Trade Measures Under International Law

Anthony Cassimatis 2007 When does international law allow a State or group of States to adopt trade measures in order to "coerce" another State to comply with its international obligations to ensure respect for human rights? In answering this question this book draws together complex areas of international law which include the rules prohibiting interference in the internal affairs of sovereign States, the rules regulating extra-territorial exercises of jurisdiction, the law of State responsibility and the international legal rules requiring the protection of human rights and regulating international trade.

The literature on "Trade and..." issues invariably focuses on a limited number of these areas, or approaches the issues from an international relations or economic perspective. This book will assist specialists in international human rights law and international trade law, academic and government lawyers who advise on or implement international trade policy and those studying the use of human rights related trade measures.

Human Rights and Human Security under International Law

Dorothy Estrada-Tanck 2016-12-01 Human security provides one of the most important protections; a person-centred axis of freedom from fear, from want and to live with dignity. It is surprising given its centrality to the human experience, that its connection with human rights has not yet been explored in a truly systematic way.

This important new book adds that gap in the literature by analysing whether human security might provide the tools for an expansive and integrated interpretation of international human rights. The book is divided in four parts: First, an exploration of the new conceptual convergence between human security and all human rights - civil, political, economic, social and cultural - and constructs an investigative framework focused on the human security-human rights synergy. It then goes on to explore its practical application in the thematic cores of violence against women and undocumented migrants in the law and case-law of UN, European, Inter-American and African human rights bodies. It takes both a legal and interdisciplinary approach, recognising that human security and its relationship with human rights cuts across disciplinary boundaries. Innovative and rigorous, this is an important contribution to human rights scholarship.

The Impact of Human Rights Law on General International Relations

Menno T. Kamminga 2009-02-05 There is a growing discrepancy between the output of human rights courts which protect the individual and traditional international institutions which protect the interests of states. This volume provides the first systematic analysis of the impact of international human rights courts on more traditional international institutions.

General Principles for Business and Human Rights in International Law

Ludovica Chiussi Curzi 2020-10-26 In General Principles for Business and Human Rights in International Law Ludovica Chiussi Curzi offers a critical analysis of the relevance of general principles of law in the multifaceted business and human rights field.

The Right to The Truth in International Law

Melanie Klinkner 2019-07-30 The United Nations has established a right to the truth to be enjoyed by victims of gross violations of human rights. The origins of the right stem from the need to provide victims and relatives of the missing with a right to know what happened. It encompasses the verification and full public disclosure of the facts associated with the crimes from which they or their relatives suffered. The importance of the right to the truth is based on the belief that, by disclosing the truth, the suffering of victims is alleviated.

This book analyses the emergence of this right, as a response to an understanding of the needs of victims, through to its development and application in two particular legal contexts: international human rights law and international criminal justice. The book examines in detail the application of the right through the case law and jurisprudence of international tribunals in the human rights and also the criminal justice context, as well as looking at its place in transitional justice. The theoretical foundations of the right to the truth are considered as well as the various objectives appropriate for different truth-seeking mechanisms. The book then goes on to discuss to what extent it can be understood, constructed and applied as a hard, legally enforceable right with correlating duties on various people and institutions including state agencies, prosecutors and judges.

The Development in International Law of Articles 23 and 24 of the Universal Declaration of Human Rights: The Labor Rights Articles

Lee Swepston 2014-07-16 The human rights conception of the individual. The broad conception of individual human rights is often neglected in human rights textbooks and teaching, and indeed is often omitted from the work done by national human rights institutes and by NGOs concerned with human rights, as though it were a separate discipline that did not fail properly into the human rights field. This volume addresses this commonly held, but erroneous, misconception.

Ancient Indigenous Human Remains and the Law

Fiona Batt 2021-08-26 Indigenous peoples are increasingly making requests for the return of their ancestors' human remains and ancient indigenous deoxyribonucleic acid. However, some museums and scientists have refused to repatriate indigenous human remains or have initiated protracted delays. There are successful examples of the return of ancient indigenous human remains however the focus of this book is an examination of the "hard" cases. The continued retention perpetuates cultural harm and is a continuing violation of the rights of indigenous peoples. Therefore this book develops a litigation Toolkit which can be used in such disputes and includes legal and quasi legal instruments from the following frameworks, cultural property, cultural heritage, cultural rights, collective heritage, intellectual property, Traditional Knowledge and human rights. The book draws on a process of recharacterisation.

Recharacterisation is to be understood to mean the allocation of an indigenous peoples understanding and character of ancient indigenous human remains and ancient indigenous DNA, in order to prevent property rights and identity of any indigenous peoples and its descendants:

The Fundamentals of International Human Rights Law

Bertrand G. Ramcharan 2011-02-14 This book has a simple objective: to present the fundamentals of international human rights treaty law in a way that can be helpful to the national leader, official, or legal adviser whose duty it is to help put a human rights treaty regime into the law and practice in his or her country. It is a book of international law, as provided for in the principal international and regional human rights treaties and drawn upon the jurisprudence and practice of their monitoring organs.

Human Rights in International Law

Theodore M. Lowrance 1984 AA full course

International Law and International Relations

David Armstrong 2012-03-08 This fully updated and revised edition explores the evolution, nature and function of international law in world politics.

Human Rights, Inc.

Joseph R. Slaughter 2009-08-25 In this timely study of the historical, ideological, and formal interdependencies of the novel and human rights, Joseph Slaughter demonstrates that the twentieth-century rise of "world literature" and international human rights law are related phenomena. Slaughter argues that international law shares with the modern novel a particular conception of the human individual. The Bildungsroman, the novel of coming of age, fills out this image, offering a conceptual vocabulary, a humanist social vision, and a narrative grammar for what the Universal Declaration of Human Rights and early literary theorists both call "the free and full development of the human personality." Revising our received understanding of the relationship between law and literature, Slaughter suggests that this narrative form has acted as a cultural surrogate for the weak executive authority of international law, naturalizing the assumptions and conditions that make human rights appear commonplace as. As a kind of novelistic correlative to human rights law, the Bildungsroman has thus been doing some of the sociocultural work of
enforcement that the law cannot do for itself. This analysis of the cultural work of law and of the social work of literature challenges traditional Eurocentric histories of both international law and the dissemination of the novel. Taking his point of departure in Goethe’s Wilhelm Meister. Slaughter focuses on recent postcolonial versions of the coming-of-age story to show how the promise of human rights becomes legible in narrative and how the novel and the law are complicit in contemporary projects of globalization; in colonialism, neocolonialism, humanitaritarianism, and the spread of multinational consumer capitalism. Slaughter raises important and practical ethical questions that we must confront in advocating for human rights and reading world literature—imperatives that, today more than ever, are intertwined.

The Slave Trade and the Origins of International Human Rights Law

Jenny S. Martinez 2012-01-04 At Jenny Martinez shows in this groundbreaking new book, the international human rights law that we know today is not solely a post-World War II development, as most scholars claim, but rather has roots in one of the nineteenth century’s central moral causes: the movement to ban the international slave trade. Martinez focuses in particular on international courts for the suppression of the slave trade. The courts, which were created by treaties and based in the Caribbean, West Africa, Cape Town, and Brazil, helped free more than 80,000 Africans from captured slave ships between 1807 and 1871. Here then, buried in the dusty archives of admiralty courts, ships’ logs, and the British foreign office, Martinez uncovers the foundations of contemporary human rights law: international courts exercising jurisdiction over crimes against humanity long before the Nuremberg trials. Fueled by a powerful thesis and drawing on novel evidence, Martinez’s work will reshape the fields of human rights history and international human rights law.

Socializing States

Ryan Goodman 2013-08-20 The role of international law in global politics is as poorly understood as it is important. But how can the international legal regime encourage states to respect human rights? Given that international law lacks a centralized enforcement mechanism, it is not obvious how this law matters at all, and how it might change the behavior or preferences of state actors. In Socializing States, Ryan Goodman and Derek Johns contend that what is needed is a greater emphasis on the mechanisms of law’s social influence—and the micro-processes that drive such mechanisms. Such an emphasis would make clearer the microfoundations of international law. This book argues for a greater specification and a more comprehensive inventory of how international law influences relevant actors to improve human rights conditions. Substantial empirical evidence suggests three conceptually distinct mechanisms whereby states and institutions might influence the behavior of other states: material inducement, persuasion, and what Goodman and Johns call acculturation. The latter includes social and cognitive forces such as mimicry, status maximization, prestige, and identification. The book argues that (1) acculturation is a conceptually distinct, empirically documented social process through which state behavior is influenced; and (2) acculturation-based approaches might occasion a rethinking of fundamental regime design problems in human rights law. This exercise not only allows for reexamination of policy debates in human rights law; it also provides a conceptual framework for assessing the costs and benefits of various design principles. While acculturation is not necessarily the most important or most desirable approach to promoting human rights, a better understanding of all three mechanisms is a necessary first step in the development of an integrated theory of international law’s influence. Socializing States provides the critical framework to improve our understanding of how norms operate in international society, and thereby improve the capacity of global and domestic institutions to build cultures of human rights.

Routledge Handbook of International Human Rights Law

Scott Sheeran 2014-08-07 The Routledge Handbook of International Human Rights Law provides the definitive global survey of the discipline of international human rights law. Each chapter is written by a leading expert and provides a contemporary overview of a significant area within the field. As well as covering topics integral to the theory and practice of international human rights law, the book offers a broader perspective through examinations of the ways in which human rights law interacts with other legal regimes and other international institutions, and by addressing the current and future challenges facing human rights. This highly topical collection of specially commissioned papers is split into four sections: The nature and evolution of international human rights law discussing the origins, theory and practice of the discipline. Interaction of human rights with other key legal issues and bodies including the interaction of the discipline with other international legal orders, international humanitarian law, and development as well as other legal regimes. Evolution and prospects of regional approaches to human rights discussing the systems in Europe, the Americas, Africa and South East Asia, and their relationship to the United Nations treaty bodies. Key contemporary challenges including non-State actors, the religion and human rights, counter-terrorism, and enforcement and remedies. Providing up-to-date and authoritative articles covering key aspects of international human rights law, this book work is an essential reference for scholars, practitioners and students alike. Chapter 35 of this book is freely available as a downloadable Open Access PDF at www.routledgehandbooks.com. It has been made available under a Creative Commons Attribution-Non Commercial-No Derivatives 3.0 license.

The Influence of Human Rights on International Law

Norman Weiss 2015-02-25 This volume discusses the impact of human rights law on other fields of international law. Does international human rights law modify other fields of international law? Contributions focus on possible spillover effects of human rights on international economic or international criminal law. Does international human rights law have a spillover effect on international law as a whole? This might be identified as a process of constitutionalisation. In this book, human rights can be understood as one of the core principles of international legal order and thus have an effect on the general law of treaties or on the settlement of disputes. Although human rights law is a relatively young field of international law, its complex nature and its multidimensionality is increasingly recognized. As we witness the spread of human rights towards the people and a shift to greater relevance of the individual in international law in general, it is a logical consequence that human rights have an impact on other areas of international law.

Human Rights and World Public Order

Myres M. McDougal 2018-12-14 In 1880, Professors McDougal, Lasswell, and Chen published the original edition of Human Rights and World Public Order to present a “comprehensive framework of inquiry” from which to approach international human rights law, and international law, and inadequacies therein in the discourse of that time by combining theme, structure, method, and process. As a classic text of the New Haven School of International Law, this book explores human rights and international law in the broadest sense, taking into account social sciences research while embracing all values secured, or consequently fulfilled, or needed to be achieved. The book endeavored as a lasting contribution that reframed human rights within the New Haven School tradition, and as a magnificent work of scholarship freed from the confines of positivism and the static concerns of any one political or historical period. Co-author Lung-chu Chen spearheaded the re-issuance of this venerable title, complete with a contemporary, fresh Introduction to unveil this work to a new generation of scholars, students, and practitioners of international law and human rights. This introduction surveys the major developments in human rights since 1880, including many doctrines and concepts that have emerged since. It covers contemporary events to provide today's readers with the opportunity to contextualize the chapters and to apply the book's framework to future endeavors.

Hierarchy in International Law: The Place of Human Rights

Erika De Wet 2012-02-16 This book takes an inductive approach to the question of whether there is a hierarchy in international law, with human rights obligations trumps other duties. It assesses the extent to which such a hierarchy can be said to exist through an analysis of the case law of national courts. Each chapter of the book examines domestic case law on an issue where human rights obligations conflict with another international law requirement, to see whether national courts gave precedence to human rights. If this is shown to be the case, it would provide support to the argument that international law is moving toward a vertical legal system, with human rights at its apex. In resolving conflicts between human rights obligations and other areas of international law, the practice of judicial bodies, both domestic and international, is crucial. Judicial practice indicates that norm conflicts typically manifest themselves in situations where human rights obligations are at odds with other international obligations, such as immunities; extradition and refoulement; trade and investment law; and environmental protection. This book sets out and analyses the relevant case law in all of these areas.

Human Rights and the Foundations of International Law: Patric Cappe 2009-06-11 International lawyers have often been interested in the link between their discipline and the foundational issues of jurisprudential method, but little that is systematic has been written on this subject. In this book, an attempt is made to fill this gap by focusing on issues of concept-formation in legal science in general with a view to their application to the specific concerns of international law. In responding to these issues, the authors argue that public international law seeks to establish and institutionalise a system of authoritative judgment whereby the conditions by which a community of states can co-exist and co-operate are ensured. A state, in turn, must be understood as ultimately deriving legitimacy from the pursuit of the human dignity of the community it governs, as well as the dignity of those human beings and states affected by its actions in international relations. This argument is in line with a long and now resurgent Kantian tradition in legal and political philosophy. The book shows how this approach is reflected in accepted paradigm cases of international law, such as the United Nations Charter. It then explains how this approach can provide insights into the theoretical foundations of these accepted paradigms, including our understanding of the sources of international law, international legal personality and the design of global institutions.

International Law for Humankind

Antonio Augusto Cançado Trindade 2013-06-17 This volume is an updated and revised version of the General Course on Public International Law delivered by the Author at The Hague Academy of International Law in 2005. Professor Cançado Trindade, Doctor honoris causa of seven Latin American Universities in distinct countries, was for many years Judge of the Inter-American Court of Human Rights, and President of that Court for half a decade (1999-2004). He is currently Judge of the International Court of Justice; he is also Member of the Curatorium of The Hague Academy of International Law, as well as of the Institut de Droit International, and of the Brazilian Academy of Juridical Letters.
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