

Albaluz2014 - 3 days ago

International Human Rights law sets down obligations which States are bound to respect. By becoming parties to international treaties, States assume obligations and duties under international law to respect, to protect and to fulfill human rights.

These components means, the duty to respect consist that states must refrain from interfering directly or indirectly with or limiting the enjoyment of human rights; the duty to protect requires states to protect individuals and society against human rights misuses and abuses, taking actions that prevent third parties from interfering with guarantees; and the duty to fulfil means that states should take affirmative action to assist the enjoyment of basic human rights, for instance, to adopt appropriate legislative, administrative, budgetary, judicial, promotional and other measures towards the completely realization of the human rights.

In this sense, governments agree to to set into place domestic measures and legislation compatible with their treaty obligations and duties. Where local lawful actions fail to address human rights abuses and violations, instruments and techniques for individual and people complaints are accessible at the regional and international levels to help safeguard that international human rights principles are indeed respected, implemented and enforced at the local level. At the national level, it is imperious that states observe with international standards. So, the effective domestic protection and the achievement of international principles set in the power of states.

In case of effective protection of human rights depends on the compliance of each state with its human rights obligations, establishing a legitimate prototypical. It requires, for instance, the duty of the government and public authorities to comply with the constitution and to act in a way consistent with law; a clear separation between the state and filiation political parties; administrative decisions must be completely reasonable and the independence, autonomy and impartiality of judges and the neutral operation of the public judicial service will be ensured (rules of fair trial, self-defense, due to process are assurance and access to justice in equal conditions without any discrimination and the opportunity to effective remedies).

About the premise of separation of powers, to comply with human rights obligations, in this perform should be guaranteed the specific role and interaction of each branch, a legislative organ, which represents to the people and must legislate in acquiescence with international human rights pledges; an executive organ, that does not misuse discretionary authority and pursues to encourage the enjoyment of human rights by all under its jurisdiction; and finally, a judiciary organ that protects the human rights of everyone in contrast to arbitrary legislative power and assurances effective measures and fair and reasonable trial.

The key point is that the judiciary branch ensure their exercise in concordance with the legal system; however, it comes with the issue of justiciability of the rights, which refers to those concerns belong and resolved by the courts, who at the moment to perform their function effectively, the courts and tribunals must be made aware of the nature and implications of the human rights instruments and of the important role of judicial remedies in its implementation. In large extent, many aspects of the human rights concerned lend themselves to judicial determination.

It is clear that courts and tribunals have multiple roles on their enforcing and monitoring positive obligations related to protect and fulfill human rights obligations, for instance, manual labor courts could exist to resolve disputes, complaints, appeals relating to occupational rights, rights of minorities, right to adequate housing, request of equality and non-discrimination, the right to strike, right to food, inter alias; ECSR set up a ground of law in which courts fulfil an important role together with administrative procedures.

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1. This was the last posting before I was going to make mine and I decided to read it before responding. After I did that, I decided that whom ever had posted this had articulated themselves in response better than I could, and I agree with what they wrote here.

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-posted less than a minute ago by [KarenWest](#)