

Comparative Study on the Role of Civil Liability in the Reparation of Damages for Violation of Human Rights; With an Emphasis on UN Resolution on Basic Principles and Guidelines on the Right to a Remedy and Reparation

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Abstract

The reparation of damages and access to an effective remedy is one the most important method of international law for protection of human rights. On December 16, 2005, the United Nation General Assembly has adopted the resolution on “Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law”, which is a comprehensive document on the right of remedy and reparation of damages for violation of human rights. In Iran’s legal system, the reparation of damage is in the framework of civil liability and so this question arise in what extent the Iranian mechanism for reparation of damage is consistent with the international norms, recognized in the resolution of basic principles and what is its role for providing an effective

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remedy and reparation. Addressing such issue can be beneficial either for better understanding of international mechanism and also for enrichment of national legal system. Regarding the fact that international norms in reparation have roots in national laws, finding the similarities between national and international mechanism is predictable.

Keywords: Reparation; Damages; Human Rights; Civil Liability; International law.

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