CONTENTS

	List of abbreviations	page x
	Table of cases	xix
	Introduction	1
1	International human rights law and notions of human	
	rights: foundations, achievements and challenges	9
1.1	Introduction	9
1.2	The development of human rights and international human	
	rights law	11
1.3	Current challenges	27
1.4	The idea of human rights: theories and critiques	32
1.5	Universal human rights: contestations and practices	37
	Further reading	49
2	International human rights law: the normative framework	50
2.1	Introduction	50
2.2	Sources	53
2.3	Rights, obligations and scope of application	72
2.4	Implementation	78
2.5	Human rights treaties as self-contained regimes	86
2.6	Practical application: the role of law reform	88
	Further reading	95
3	Human rights in practice	96
3.1		96
3.2	Civil society	97
3.3	Social movements	99
3.4	NGOs	101
3.5	Human rights defenders	109
3.6	Legal professionals and human rights	113
3.7	Health professionals and human rights	117
3.8	Human rights field officers	118

	_		
7/1	Con	tent	C
V1	COII		ì

3.9	Human rights strategies	122
	Further reading	144
1	The United Nations Charter system	1 1 5
	The United Nations Charter system Introduction	145 145
4.1	Introduction The human rights dimension of the Charter	145
	The human rights dimension of the Charter The Human Rights Council	150
	Special procedures	160
	The General Assembly and human rights	168
	The Security Council	170
7.0	Further reading	180
5	The UN human rights treaty system	181
5.1	Introduction	181
5.2	Common features of international human rights treaty bodies	183
5.3	Reporting procedure	187
5.4	General comments/recommendations	197
5.5	Complaints procedures and jurisprudence of treaty bodies	200
	Further reading	218
6	Regional human rights treaty systems	219
6.1	Introduction	219
6.2	The European human rights system	221
6.3	The Inter-American human rights system	243
6.4	The African human rights system	255
6.5	Towards an Asian human rights system?	269
6.6		270
	Further reading	271
7	Individual complaints procedures	273
7.1	Introduction	273
	Admissibility	274
7.3	Merits	293
	Decisions by human rights treaty bodies	296
	Implementation of decisions and judgments	298
	Additional procedural options	303
7.7	The Hissène Habré case: the interplay between domestic,	
	regional and international proceedings	309
	Further reading	311
8	Civil and political rights	313
8.1	Introduction	313
8.2	The right to life	314

	_	
3711	(on	tents
V11	COII	CIIIO

8.3	The right to be free from torture	326
8.4	The right to liberty and security	338
8.5	The right to a fair trial	345
8.6	Enforced disappearance as multiple human rights violation	351
8.7	Qualified rights, with a particular focus on freedom of expression	359
	Further reading	365
9	Economic, social and cultural rights	366
9.1	Introduction	366
9.2	Brief historical context of economic, social and cultural rights	367
9.3	Progressive realisation and the nature of state obligations	369
9.4	Resource implications: the obligation to utilise 'maximum	
	available resources'	374
9.5	Minimum core obligations	377
9.6	Justiciability of economic, social and cultural rights	380
9.7	Indicators and benchmarks for measuring compliance	386
9.8	The right to health	390
9.9	The right to water	393
9.10	The right to education	397
9.11	The right to food	400
	Further reading	407
10	Group rights: self-determination, minorities and indigenous peoples	409
10.1	Introduction	409
10.2	The nature of collective rights	410
10.3	Minorities as a subject of human rights	423
10.4	Indigenous peoples: is there a need for additional protection?	435
	Further reading	451
11	The human rights of women	452
	Introduction	452
	Normative framework	454
	Conceptual development	467
	Women's human rights and domestic contexts: 'honour crimes' in	
	the English legal system	475
	Further reading	483
12	The right to development, poverty and related rights	484
	The right to development, poverty and related rights Introduction	484
12.1	Introduction	
12.1 12.2		484
12.1 12.2 12.3	Introduction The human dimension of development The right to development	484
12.1 12.2 12.3	Introduction The human dimension of development	484

	^
77111	Contents
V111	Comens
VAAA	COLLECTION

12.6	Debt relief and the enjoyment of fundamental rights	507
12.7	The right to a corruption-free society	512
12.8	The right to a healthy environment	516
	Further reading	521
13	Victims' rights and reparation	522
13.1	Introduction	522
13.2	The development of the right to reparation	524
13.3	The right to reparation in international human rights law	526
13.4	The right to reparation in international humanitarian law	531
13.5	The right to reparation in international criminal law	532
13.6	The right to reparation and violations by non-state actors	533
13.7	The right to reparation for historical injustices and violations	534
13.8	The notion and legal significance of the term 'victim'	536
13.9	The procedural right to an effective remedy	537
13.10	The substantive right to reparation	539
13.11	The double-edged sword of victims' politics	552
13.12	Negotiating, litigating and administering reparations:	
	experiences from the Holocaust and World War II reparations	554
13.13	Reparation in action: litigating human rights cases	557
	Further reading	565
14	The application of human rights in armed conflict and	
14	The application of human rights in armed conflict and the international criminalisation process	567
		567 567
14.1	the international criminalisation process	
14.1	the international criminalisation process Introduction	567
14.1	the international criminalisation process Introduction The fundamental premises of international humanitarian law	567 568
14.1 14.2 14.3	the international criminalisation process Introduction The fundamental premises of international humanitarian law Rights and obligations in humanitarian law	567 568 573
14.1 14.2 14.3 14.4	the international criminalisation process Introduction The fundamental premises of international humanitarian law Rights and obligations in humanitarian law Humanitarian law as lex specialis to human rights law	567 568 573
14.1 14.2 14.3 14.4 14.5	the international criminalisation process Introduction The fundamental premises of international humanitarian law Rights and obligations in humanitarian law Humanitarian law as lex specialis to human rights law Why human rights bodies find the application of humanitarian	567 568 573 575
14.1 14.2 14.3 14.4 14.5	the international criminalisation process Introduction The fundamental premises of international humanitarian law Rights and obligations in humanitarian law Humanitarian law as lex specialis to human rights law Why human rights bodies find the application of humanitarian law problematic	567 568 573 575
14.1 14.3 14.4 14.5	the international criminalisation process Introduction The fundamental premises of international humanitarian law Rights and obligations in humanitarian law Humanitarian law as lex specialis to human rights law Why human rights bodies find the application of humanitarian law problematic Human rights in situations of military occupation	567 568 575 575 579
14.1 14.2 14.3 14.5 14.5	the international criminalisation process Introduction The fundamental premises of international humanitarian law Rights and obligations in humanitarian law Humanitarian law as lex specialis to human rights law Why human rights bodies find the application of humanitarian law problematic Human rights in situations of military occupation The relevance of the law to battlefield conditions	567 568 573 575 579 589
14.1 14.2 14.3 14.5 14.6 14.7 14.8	the international criminalisation process Introduction The fundamental premises of international humanitarian law Rights and obligations in humanitarian law Humanitarian law as lex specialis to human rights law Why human rights bodies find the application of humanitarian law problematic Human rights in situations of military occupation The relevance of the law to battlefield conditions Fundamentals of international criminal justice	567 568 573 575 579 589 599
14.1 14.2 14.3 14.5 14.6 14.7 14.8	the international criminalisation process Introduction The fundamental premises of international humanitarian law Rights and obligations in humanitarian law Humanitarian law as lex specialis to human rights law Why human rights bodies find the application of humanitarian law problematic Human rights in situations of military occupation The relevance of the law to battlefield conditions Fundamentals of international criminal justice The enforcement of international criminal law Further reading	567 568 573 575 579 589 599 603
14.1 14.3 14.4 14.5 14.7 14.8 14.9	the international criminalisation process Introduction The fundamental premises of international humanitarian law Rights and obligations in humanitarian law Humanitarian law as lex specialis to human rights law Why human rights bodies find the application of humanitarian law problematic Human rights in situations of military occupation The relevance of the law to battlefield conditions Fundamentals of international criminal justice The enforcement of international criminal law Further reading	567 568 573 575 579 589 599 603 612
14.1 14.2 14.3 14.5 14.5 14.6 14.9 15.1	the international criminalisation process Introduction The fundamental premises of international humanitarian law Rights and obligations in humanitarian law Humanitarian law as lex specialis to human rights law Why human rights bodies find the application of humanitarian law problematic Human rights in situations of military occupation The relevance of the law to battlefield conditions Fundamentals of international criminal justice The enforcement of international criminal law Further reading Human rights and counter-terrorism	567 568 573 575 579 589 599 603 612 613
14.1 14.3 14.4 14.5 14.6 14.7 14.8 14.9	the international criminalisation process Introduction The fundamental premises of international humanitarian law Rights and obligations in humanitarian law Humanitarian law as lex specialis to human rights law Why human rights bodies find the application of humanitarian law problematic Human rights in situations of military occupation The relevance of the law to battlefield conditions Fundamentals of international criminal justice The enforcement of international criminal law Further reading Human rights and counter-terrorism Introduction	567 568 573 575 579 589 599 603 612
14.1 14.3 14.4 14.5 14.6 14.7 14.8 14.9	the international criminalisation process Introduction The fundamental premises of international humanitarian law Rights and obligations in humanitarian law Humanitarian law as lex specialis to human rights law Why human rights bodies find the application of humanitarian law problematic Human rights in situations of military occupation The relevance of the law to battlefield conditions Fundamentals of international criminal justice The enforcement of international criminal law Further reading Human rights and counter-terrorism Introduction The legal nature of terrorism	567 568 573 575 579 589 599 603 612 613 613
14.1 14.3 14.4 14.5 14.6 14.7 14.8 14.9 15.1 15.2 15.3 15.4	the international criminalisation process Introduction The fundamental premises of international humanitarian law Rights and obligations in humanitarian law Humanitarian law as lex specialis to human rights law Why human rights bodies find the application of humanitarian law problematic Human rights in situations of military occupation The relevance of the law to battlefield conditions Fundamentals of international criminal justice The enforcement of international criminal law Further reading Human rights and counter-terrorism Introduction The legal nature of terrorism The discussion on underlying or root causes	567 568 573 575 579 589 599 603 612 613 613 615

	0 1	
1X	Conter	1 t c
IA	COIICI	110

Attempts to justify arbitrary detention	634
Unlawful extraditions and illegal renditions of suspected terrorists	638
Legal and other strategies regarding disappeared terrorist suspects	645
Further reading	654
Non-state actors and human rights	656
	656
	657
	661
	674
	679
Further reading	686
Globalisation and its impact on human rights	687
Introduction	687
The origins and nature of globalisation	689
Does the existing model of trade liberalisation promote	
development and alleviate poverty?	692
How intellectual property rights hinder access to essential	
medicines for the poorest	700
The impact of globalisation on transnational labour relations:	
the outsourcing of labour	703
The challenge of mass irregular migration	705
The McLibel case: sales globalisation and its impact on rights	708
Further reading	711
Index	712
	Unlawful extraditions and illegal renditions of suspected terrorists Legal and other strategies regarding disappeared terrorist suspects Further reading Non-state actors and human rights Introduction The status of non-state actors in human rights law Multinational corporations in the human rights architecture Human rights obligations of international organisations National liberation movements and armed rebel groups Further reading Globalisation and its impact on human rights Introduction The origins and nature of globalisation Does the existing model of trade liberalisation promote development and alleviate poverty? How intellectual property rights hinder access to essential medicines for the poorest The impact of globalisation on transnational labour relations: the outsourcing of labour The challenge of mass irregular migration The McLibel case: sales globalisation and its impact on rights Further reading