

The Legal Protection of Human Rights

Sceptical Essays

Edited by **Tom Campbell**, Professorial Fellow and Director of the Charles Stuart University Division of the Centre for Applied Philosophy and Public Ethics, **K.D. Ewing**, Professor of Public Law at King's College London, and **Adam Tomkins**, John Millar Professor of Public Law at the School of Law, University of Glasgow

Reacting to the mixed record of the UK Human Rights Act 1998 and similar enactments concerned with the protection of human rights, this book explores ways of promoting human rights more effectively through political and democratic mechanisms. The book expresses ideological scepticism concerning the relative neglect of social and economic rights and institutional scepticism concerning the limitations of court-centred means for enhancing human rights goals in general. The contributors criticize the 'juridification' of human rights through transferring the prime responsibility for identifying human rights violations to courts and advocate the greater 'politicisation' of human rights responsibilities through such measures as enhanced parliamentary scrutiny of existing and proposed legislation. This group of twenty-four leading human rights scholars from around the world present a variety of perspectives on the disappointing human rights outcomes of recent institutional developments and consider the prospects of reviving the moral force and political implications of human rights values.

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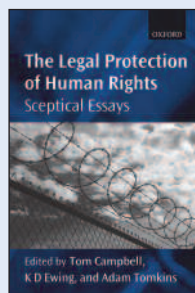
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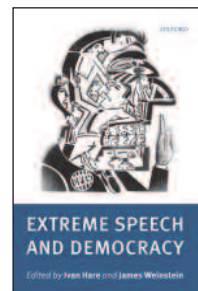
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Alison Kesby, Research Fellow, St John's College, Cambridge

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Edited by **Anver Emon**, Associate Professor at the University of Toronto Faculty of Law, **Mark Ellis**, Executive Director of the International Bar Association, and **Benjamin Glahn**, Former Program Director, Salzburg Global Seminar

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496 Pages

May 2012

For further information, turn to page 66.

The Optional Protocol to the UN Convention Against Torture

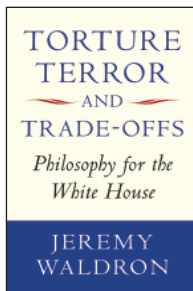


Rachel Murray, Professor of International Human Rights Law, Director of the Human Rights Implementation Centre, University of Bristol, Elina Steinerte, Research Associate, Human Rights Implementation Centre, University of Bristol, Malcolm Evans, Professor of International Law, University of Bristol, and Antenor Hallo de Wolf, University of Groningen

The Optional Protocol to the United Nations Convention Against Torture was adopted in 2002 and provides for the establishment of national preventive mechanisms to stop torture from happening. This book sets out the powers of these mechanisms, their role within the larger international framework against torture, and suggests best practices.

978-0-19-960219-3, Hardback £70.00
288 Pages
August 2011

NEW IN PAPERBACK Torture, Terror, and Trade-Offs



Philosophy for the White House
Jeremy Waldron, Professor of Law, New York University Law School

This volume collects Jeremy Waldron's challenging and influential work on the moral, political and legal issues surrounding the response to terrorism since 9/11. The volume will be essential reading for all those engaged with contemporary politics and security law, and the continuing struggle for an ethical response to terrorism.

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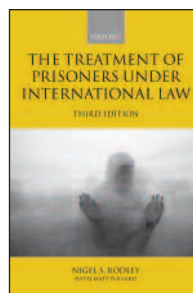
- Incorporates the many new developments in discrimination law since 2002, including the Equality Act 2010, human rights law, and EU law
- Expanded coverage of the 'new' strands in discrimination law, including discrimination on grounds of sexual orientation, age, and religion and belief
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Nigel Rodley, Professor of Law and Chair, Human Rights Centre, University of Essex; Member of the United Nations Human Rights Committee, and Matt Pollard, Legal adviser to Amnesty International in London and the Association for the Prevention of Torture in Geneva

'Splendidly written and researched book'

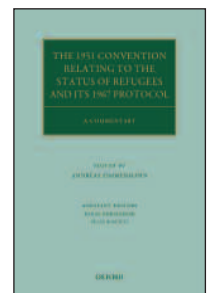
American Society of International Law Newsletter

- New paperback edition of the groundbreaking book on the human rights of prisoners and detainees
- The only book that addresses the treatment of prisoners worldwide
- Comprehensive and critical analysis of the many developments in the field in the last ten years, including the measures taken by the US in the wake of 9/11 and its war against terror
- Written by the undisputed expert in the field

This book deals with atrocities that are committed against people who cannot defend themselves: torture, murder, enforced disappearance. It also deals with similar practices such as corporal punishment and the death penalty. It incorporates a lot of new material including treaties and case law from international and national courts.

978-0-19-969356-6, Paperback £34.99
752 Pages
April 2011

The 1951 Convention Relating to the Status of Refugees and its 1967 Protocol



A Commentary

Edited by Andreas Zimmermann, Professor for Public Law, Public International Law and European Union Law, University of Potsdam, Germany; Director of the Potsdam Centre of Human Rights, Assistant editor Jonas Dörschner, and Assistant editor Felix Machts

- Comprehensive article-by-article analysis of the two most important documents in international refugee law
- Thematic chapters analyse general issues in international refugee law
- Contributions from over 40 highly respected authors with both an academic and a practitioner background

This Commentary provides for a systematic and comprehensive analysis of the 1951 Convention and the 1967 Protocol on an article-by-article basis, exposing the interrelationship between the different articles and discussing the latest developments in international refugee law. In addition, several thematic contributions analyse questions of international refugee law which are of general significance, such as regional developments and the relationship between refugee law and the law of the sea.

Oxford Commentaries on International Law
978-0-19-954251-2, Hardback £250.00
1,936 Pages
January 2011

Human Rights in Times of Conflict and Terrorism

Louise Doswald-Beck, Professor of International Law, Graduate Institute of International Studies, Geneva Academy of International Humanitarian Law and Human Rights

This book is a guide to international human rights law as it applies to situations of armed conflict, counter-terrorism measures, and to any other situation of actual or potential violence requiring security measures. These situations can lead to some of the most fundamental human rights being put in danger of being violated. These include the right to life, the prohibition of torture and inhuman or degrading treatment, enforced disappearance, all the rights relating to detention and due process of law, and the freedoms most commonly affected by armed conflict and counter-terrorism.

The book begins with a presentation on the application of human rights to such situations and an explanation of the regime of limitations and derogations. After an overall description of the relationship between human rights law, on the one hand, and international humanitarian law and international counter-terrorism measures, on the other, the book concentrates on the rights themselves. Each chapter presents the relevant treaty provisions and explains the interpretation of the rights by reference to the case law and general comments of these treaty bodies. The book concludes with a section on how international human rights law protects certain vulnerable and disadvantaged populations in such situations.

978-0-19-957893-1, Hardback
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488 Pages
September 2011



International Humanitarian Law and International Human Rights Law

Edited by Orna Ben-Naftali, Professor of International Law, The Law School, The College of Management Academic Studies, Israel

The idea that international humanitarian law and international human rights law are complementary, rather than mutually exclusive regimes generated a paradigmatic shift in the international legal discourse. The reconciliation was driven by a humanistic ethos and its purpose was to offer greater protection of the rights to life, liberty and dignity of all individuals under all circumstances. The complementarity of both regimes currently enjoys the status of the new orthodoxy and simultaneously invites critical reflection. This collection of essays accepts the invitation, offering diverse assessments of the merits of taking human rights to the battlefields of the twenty-first century.

Collected Courses of the Academy of European Law No. XIX:1
978-0-19-100160-4, Hardback £60.00

424 Pages
January 2011

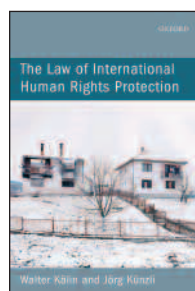


The Law of International Human Rights Protection

Walter Kälin, Professor of Constitutional and International Law, Faculty of Law, University of Bern, and former Dean of the Faculty and Head of Legal Department, and Jörg Künzli, Assistant Professor of Public International and Constitutional Law, Faculty of Law, University of Bern

In providing a concise but comprehensive overview of international human rights protection at the global and regional levels, this book offers an introduction to the ideas, conceptual underpinnings, and doctrine of international human rights law including the sources, legal nature, and scope of application of human rights obligations. The issues of implementation and enforceability at the domestic, regional, and universal level are explored, and the impact of the recently established Human Rights Council is assessed. The substantive guarantees covering economic, social, and cultural as well as civil and political rights based on the case law of UN treaty bodies and relevant regional courts are evaluated.

978-0-19-959703-1, Paperback £24.99
592 Pages
2010



On the Frontlines

Gender, War, and the Post-Conflict Process

Fionnuala Ní Aoláin, Dorsey & Whitney Chair in Law, University of Minnesota Law School and a Chair in Law, Transitional Justice Institute (Belfast), Dina Francesca Haynes, Professor of Law, New England Law School, and Naomi Cahn, John Theodore Fey Research Professor of Law, George Washington University Law School

On the Frontlines draws together available practice materials, theory and UN, and other international reports on gender in the post conflict process in order to present the gaps and argue for more effective practices, if not a total paradigm shift, for addressing gender in the post conflict context

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368 Pages
2011 (OUP USA)

Humanity's Law

Ruti G. Teitel, Ernst C. Stiefel Professor of Comparative Law, New York Law School

Renowned legal scholar Ruti Teitel presents an incisive, well-substantiated analysis of the recent sea-change in international human-rights law. She argues that post-Cold War history has witnessed a key transformation: the normative emphasis of the international legal order has been shifting from state security to human security—the security of persons and peoples. *Humanity's Law* offers examples from Europe, North America, South America, and Africa, so that readers seeking a nuanced understanding of the law applicable to modern human-rights conflicts around the globe, and the way that law is likely to develop, will find this book a deeply satisfying account.

9780-19-537091-1, Hardback £22.50
320 Pages
2011 (OUP USA)

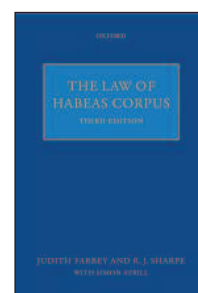
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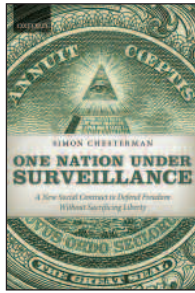
978-0-19-924824-7, Hardback £75.00
320 Pages
February 2011



One Nation Under Surveillance

A New Social Contract to Defend Freedom Without Sacrificing Liberty

Simon Chesterman, Global Professor and Director of the New York University School of Law Singapore Programme, and Vice Dean and Professor of Law at the National University of Singapore



'Chesterman's book provides a selective field guide to some of the best that has been said about intelligence and national security strained through the author's experience and legal knowledge ... a fine teaching device and is, as book blurbs say, "highly recommended".'

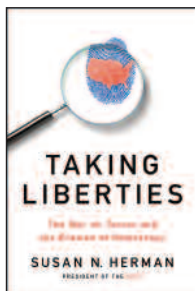
Gary T. Marx, *Times Higher Education Supplement*

978-0-19-958037-8, Hardback £20.00
320 Pages
February 2011

Taking Liberties

The War on Terror and the Erosion of Democracy

Susan N. Herman, President of the American Civil Liberties Union and Professor at Brooklyn Law School



Susan N. Herman provides a powerful account of how civil liberties have rapidly eroded in post-9/11 America, considering the human and social costs of the War on Terror. A decade after 9/11, it is far from clear that the government's hastily adopted antiterrorist tactics—such as the Patriot Act—are keeping us safe, but it is increasingly clear that these emergency measures in fact have the potential to ravage our lives—and have already done just that to countless Americans.

9780-19-978254-3, Hardback £15.99
296 Pages
2011 (OUP USA)

Human Rights and Violence Against Women

Patricia Londono

Violence against women is a human rights issue and this book evaluates the manner in which the European Court of Human Rights is addressing gender-based violence, with particular reference to sexual and domestic violence, as well as violence against girls. In doing so, it works to develop victims' rights in human rights jurisprudence.

9780-19-957901-3, Hardback £60.00
280 Pages
February 2012

Counter-Terrorism

International Law and Practice

Edited by **Ana-María Salinas De Frías**, Professor of Public International Law, Universidad de Málaga, **Katja Samuel**, Barrister, and **Nigel White**, Professor of Public International Law, University of Nottingham

The responses of governments and international institutions to terrorism raise some of the most pressing issues of the twenty-first century. In particular, attempts to balance the desire to achieve security with the safeguarding of human rights and other aspects of the rule of law have proved to be highly contentious.

This book is unique for its multinational, multidisciplinary nature, and its comprehensive approach. It examines the interrelationship between the four principal elements of the international rule of law framework (international human rights, humanitarian, criminal, and refugee/asylum law) within which counter-terrorism responses should occur.

It considers many sources of rule of law tension at the national, regional, and international (both state and institutional) levels, including those attributable to: policy choices driven by security imperatives; criminal justice versus military approaches; the presence of diverse lacunae within existing legal frameworks; and competing executive, judicial, and legislative responses and priorities.

The book also analyses key legal principles in practice and the consequences of (non-)compliance, including: emergency and executive measures; radicalization; governmental and institutional impunity; classification and treatment of battlefield detainees; the use of lethal force; detention; non-refoulement; diplomatic assurances; interrogation versus torture; extraordinary rendition; discrimination; reparations for victims of terrorist attacks and security responses; (mis)use of military courts, commissions, and immigration tribunals; judicial accountability mechanisms; non-judicial accountability mechanisms, including parliamentary oversight; and the identification of transferable best practices.

Drawing together an impressive spectrum of practitioner, policy, and academic expertise, this book is an essential, solution-orientated, work on counter-terrorism policy, practice, and law-making

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1,216 Pages
January 2012

The Human Rights Revolution
An International History

Edited by **Akira Iriye**, Professor of History Emeritus, Harvard University, **Petra Goedde**, Associate Professor of History, Temple University, and **William I. Hitchcock**, Professor of History, University of Virginia

This volume explores the place of human rights in history, providing an alternative framework for understanding the political and legal dilemmas that these conflicts presented, with case studies focusing on the 1940s through the present.

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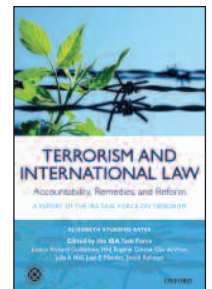
A Report of the IBA Task Force on Terrorism

Elizabeth Stubbins

Bates, Visiting Fellow, Law Department, London School of Economics and Political Science, **IBA Task Force on Terrorism**, **Richard Goldstone**, **Eugene Cotran**, **Gijs de Vries**, **Julia A. Hall**, **Juan E. Méndez**, and **Javaid Rehman**

Since the events of 9/11 the threat of terrorism has remained. The International Bar Association's Task Force of world famous jurists provides a global overview of counter-terrorism, analysing recent developments, considering case law and examples of state practice throughout the world, and making recommendations to the international community.

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304 Pages
February 2011



The Evolution of the European Convention on Human Rights

From Its Inception to the Creation of a Permanent Court of Human Rights

Ed Bates, Lecturer in Law, University of Southampton

The European Convention on Human Rights underwent a spectacular evolution over the first fifty years of its life. In recent times the European Court of Human Rights has been compared to a quasi-constitutional court for Europe in the field of human rights, and for some time the Convention has been viewed as a European Bill of Rights. The 'coming of age' of the ECHR system in the late 1990s was marked by the entry into force of Protocol 11, creating a new, full time Court.

By contrast those who first proposed a European human rights guarantee were driven by an ambition to put in place a collective pact to prevent the re-emergence of totalitarianism in 'free' Europe. They were motivated by grisly memories of human rights abuse associated with World War Two, and the protection of 'human rights' was seen in that light. When the Convention was opened for signature in 1950 it was viewed by many with scepticism and disappointment. The Convention system took many years to get established. In the mid-1960s doubts were expressed as to whether the Court had a future and in the 1970s the Convention system of control faced a number of serious challenges.

This book examines the story of the evolution of the Convention over its first 50 years (1948-1998). It reflects on the Convention's origins and charts the slow progress that it made over the 1950s and 1960s, before, in the late 1970s, the European Court of Human Rights delivered a series of landmark judgments which proved to be the foundation stones for the European Bill of Rights that we know today.

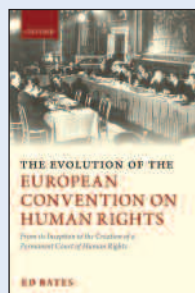
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The Reception of International Law in the European Court of Human Rights

Magdalena Forowicz, Post Doc Researcher, University of Zurich

The growing number of international courts and tribunals and their burgeoning case law have fuelled concerns about the fragmentation of international law. This arises as a consequence of both the specialized regimes these courts create and the multiple ways in which they may interpret international law emanating from other sources.

The author assesses whether the Court has been able to adopt a coherent, comprehensive approach to the interpretation and evaluation of international law and thus the extent to which it has been able to contribute to the development and coherence of international law.

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Friendly Settlements before the European Court of Human Rights Theory and Practice

Helen Keller, Professor of Public Law, European Law and International Law, University of Zurich, Magdalena Forowicz, Post-doc Researcher, University of Zurich, and Lorenz Engi, Post-doc Researcher, University of Zurich

- Provides a full overview of friendly settlements before the European Court of Human Rights, which are rapidly growing in numbers and gaining in importance
- Clearly outlines the current state of the law and relevant custom
- Examines the legitimacy of friendly settlements from a human rights perspective
- Based on extensive empirical research, with transcripts of interviews and statistical analysis included in the appendices

The European Convention on Human Rights is the world's most effective human rights regime. Its Court has however become bogged down by an enormous workload and settling a case has become an attractive alternative to ordinary proceedings. This book provides a full overview of the Court's friendly settlements and suggests ways they could be improved.

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The Access of Individuals to International Justice

Antônio Augusto Cançado Trindade, Judge of the International Court of Justice

This book contends that the right of access to justice (at national and international levels) constitutes a basic cornerstone of the international protection of human rights, and conforms a true right to the Law. It amounts, *lato sensu*, to the right to the realization of justice.

Collected Courses of the Academy of European Law

978-0-19-958095-8, Hardback

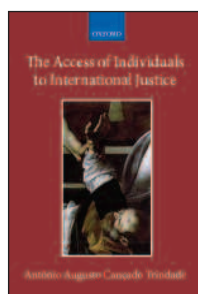
£60.00

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£29.99

272 Pages

August 2011



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The European Court of Human Rights between Law and Politics

Edited by Jonas Christoffersen, Executive Director, Danish Institute for Human Rights, and Mikael Rask Madsen, Professor of European Law and Integration and Director, Centre for Studies in Legal Culture, University of Copenhagen

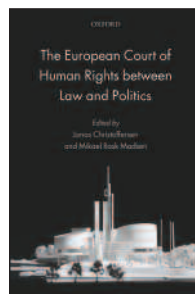
The European Court of Human Rights between Law and Politics provides a comprehensive analysis of the origins and development of one of the most striking supranational judicial institutions. The book brings together leading scholars and practitioners to cast new light on the substantial jurisprudence and ongoing political reform of the Court. The broad analysis based on historical, legal, and social science perspectives provides new insights into the institutional crisis of the Court and identifies the lessons that can be learned for the future of the European Convention on Human Rights and Fundamental Freedoms.

978-0-19-969449-5, Hardback

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256 Pages

June 2011



Available in... 

The Inter-American Court of Human Rights Case Law and Commentary

Laurence Burgogues-Larsen, Professor of Public Law at the Université de Paris 1, Panthéon-Sorbonne,

Amaya Ubeda de Torres, Legal Specialist, Venice Commission, and translated by **Rosalind Greenstein**, Senior Lecturer, English for Law, at the Université de Paris 1, Panthéon-Sorbonne



This book provides a reference guide to the case law of the Inter-American Court of Human Rights. Structured in two parts, it covers the court's case law on jurisdiction and procedure and its jurisprudence on the scope of particular rights, drawing comparisons with the case law of the European Court of Human Rights.

978-0-19-958878-7, Hardback £125.00

952 Pages
April 2011

Protecting Human Security in Africa

Edited by **Ademola Abass**, Professor of International Law & Organizations, Brunel University



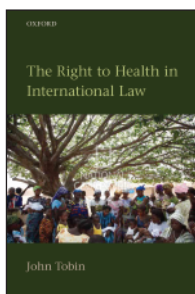
This book explores the gravest threats to human security in Africa. Written by leading experts on its various themes, this is the first book of its kind to combine legal and policy perspectives on the issues, making it an indispensable work for those seeking to learn more about the real challenges facing Africans and African organizations.

978-0-19-957898-6, Hardback £70.00

424 Pages
2010

The Right to Health in International Law

John Tobin, Associate Professor, Melbourne Law School, Australia



Lack of access to health care is one of the fundamental problems facing people in both developing and developed countries. This book examines the history, foundation, and meaning of the right to health in international law. It concludes that it is possible to offer an understanding of this right that is practical and capable of being implemented.

978-0-19-960329-9, Hardback £70.00

330 Pages
December 2011

The UN Convention on the Elimination of All Forms of Discrimination Against Women

A Commentary

Edited by **Marsha A. Freeman**, Senior Fellow, University of Minnesota Human Rights Center; Director, International Women's Rights Action Watch, **Christine Chinkin**, Professor of International Law, London School of Economics and Political Science; William W. Cook Global Law Professor, University of Michigan Law School, and **Beate Rudolf**, Director of the German Institute for Human Rights

This volume is the first comprehensive commentary on the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol. The Convention is a key international human rights instrument and the only one exclusively addressed to women. It has been described as the United Nations' 'landmark treaty in the struggle for women's rights'.

The Commentary describes the application of the Convention through the work of its monitoring body, the Committee on the Elimination of Discrimination against Women. It comprises detailed analyses of the Preamble and each article of the Convention and of the Optional Protocol. It also includes a separate chapter on the cross-cutting substantive issue of violence against women. The sources relied on are the treaty language and the general recommendations, concluding observations and case law under the Optional Protocol, through which the Committee has interpreted and applied the Convention. Each chapter is self-contained but the Commentary is conceived of as an integral whole. The book also includes an Introduction which provides an overview of the Convention and its embedding in the international law of human rights.

Oxford Commentaries on International Law

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808 Pages
November 2011

NEW EDITION

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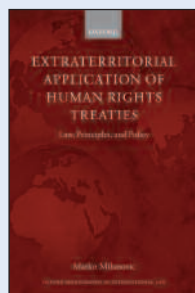
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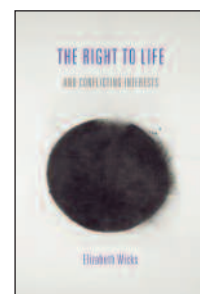
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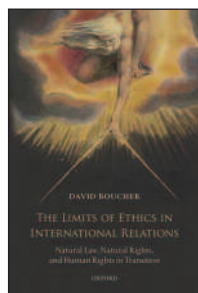
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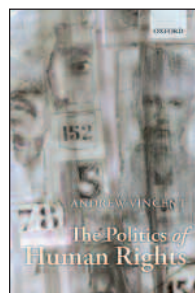
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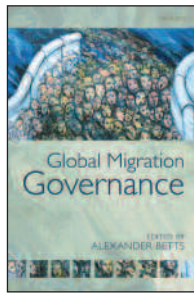
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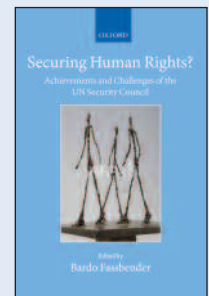
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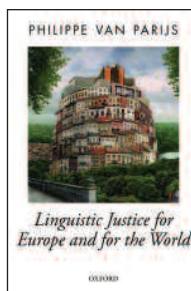


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