

Using Human Rights Law In English Courts

The field of human rights and the environment has grown phenomenally during the last few years and this textbook will be one of the first to encourage students to think critically about how many environmental issues lead to a violation of existing rights. Taking a socio-legal approach, this book will provide a good understanding of both human rights and environmental issues, as well as the limitations of each regime, and will explore the ways in which human rights law and institutions can be used to obtain relief for the victims of environmental degradation or of adverse effects of environmental policies. In addition, it will place an emphasis on climate change and climate policies to highlight the pros and cons of using a human rights framework and to underscore its importance in the context of climate change. As well as identifying emerging issues and areas for further research, each chapter will be rich in pedagogical features, including web links to further research and discussion questions for beyond the classroom. Combining their specialisms in law and politics, Atapattu and Schapper have developed a truly inter-disciplinary resource that will be essential for students of human rights, environmental studies, international law, international relations, politics, and philosophy. research and discussion questions for beyond the classroom. Combining their specialisms in law and politics, Atapattu and Schapper have developed a truly inter-disciplinary resource that will be essential for students of human rights, environmental studies, international law, international relations, politics, and philosophy.

International human rights law has emerged as an academic subject in its own right, separate from, but still related to international law. This book explains the distinctive nature of this discipline by examining the influence of the idea of human rights on general international law. Rather than make use of a particular moral philosophy or political theory, it explains human rights by examining the way the term is deployed in legal practice, on the understanding that words are given meaning through their use. Relying on complexity theory to make sense of the legal practice of the United Nations, the core human rights treaties, and customary international law, the work demonstrates the emergence of the moral concept of human rights as a fact of the social world. It reveals the dynamic nature of this concept, and the influence of the idea on the legal practice, a fact that explains the fragmentation of international law and special nature of international human rights law.

This book provides analysis and critique of the dual protection of human rights in Europe by assessing the developing legal relationship between the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECHR). The book offers a comprehensive consideration of the institutional framework, adjudicatory approaches, and the protection of material rights within the law of the European Union and the European Convention on Human Rights (ECHR). It particularly explores the involvement and participation of stakeholders in the functioning of the EU and the ECHR, and asks how well the new legal model of the EU under the ECHR' compares to current EU law, the ECHR and general international law. Including contributions from leading scholars in the field, each chapter sets out specific case-studies that illustrate the tensions and synergies emergent from the EU-ECHR relationship. In so doing, the book highlights the overlap and dialectic between Europe's two primary international courts. The book will be of great interest to students and researchers of European Law and Human Rights.

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.

The Last Utopia

The Idea of International Human Rights Law

International Law in Domestic Politics

Mobilizing for Human Rights

Justiciability of Human Rights Law in Domestic Jurisdictions

Children and International Human Rights Law

Captures the essence of the multi-layered subject of human rights law in a way that is authoritative, critical and scholarly.

This collection of 16 essays by 19 contributors calls into question the notion of domestic justiciability across a wide range of human rights issues, such as health, human dignity, criminal justice, property and transitional democracy. The authors offer critical analyses of a number of rights frameworks, focusing in considerable detail upon specific countries (e.g. Libya, Colombia, Ireland, the United Kingdom, Northern Ireland, South Africa, Nigeria, Zimbabwe, Kenya, India) and regions (e.g. Europe, Africa) to highlight the various challenges which continue to vex human rights advocates and scholars. In doing so they pinpoint some of the major tensions that still exist within developing and developed jurisdictions, via a myriad range of perspectives. The essays collectively present a diverse assortment of themes unified by a single ‘golden thread’ – that of the domestic interpretations given to human rights protections. They raise questions as to how such rights might be made substantive at the level of domestic implementation, and query the extent to which these rights can, or even should, be enforced by the courts. The potential strains in the relationship between human rights and the rule of law, is further called into question by another central theme: that of human dignity. A fundamental dilemma arises in respect of the extent to which a ‘right’ to dignity can best be promoted, protected or monitored by domestic decision-makers. Similar issues are apparent within the context of the protection of those human rights which increasingly tend to engage social, political or economic considerations and interests. Whilst these arguments are often framed principally in terms of ‘rights,’ the collective message that emerges from this book is that such rights may often be, in fact, essentially non-justiciable. Readers of this text will perhaps feel compelled to reflect carefully and fully upon what it tells us about human rights law generally, and the extent to which such rights may be truly amenable to adjudication by the courts.

Countries solemnly intone their commitment to human rights, and they ratify endless international treaties and conventions designed to signal that commitment. At the same time, there has been no marked decrease in human rights violations, even as the language of human rights has become the dominant mode of international moral criticism. Well-known violators like Libya, Saudi Arabia, and Sudan have sat on the U.N. Council on Human Rights. But it’s not just the usual suspects that flagrantly disregard the treaties. Brazil pursues extrajudicial killings. South Africa employs violence against protestors. India tolerate child labor and slavery. The United States tortures. In The Twilight of Human Rights Law--the newest addition to Oxford’s highly acclaimed Inalienable Rights series edited by Geoffrey Stone--the eminent legal scholar Eric A. Posner argues that purposefully unenforceable human rights treaties are at the heart of the world’s failure to address human rights violations. Because countries fundamentally disagree about what the public good requires and how governments should allocate limited resources in order to advance it, they have established a regime that gives them maximum flexibility--paradoxically characterized by a huge number of treaties that encompass nearly all human activity, along with weak enforcement machinery that churns out new rights but cannot enforce any of them. Posner looks to the foreign aid model instead, contending that we should judge compliance by comprehensive, concrete metrics like poverty reduction, instead of relying on ambiguous, weak, and easily manipulated checklists of specific rights. With a powerful thesis, a concise overview of the major developments in international human rights law, and discussions of recent international human rights-related controversies, The Twilight of Human Rights Law is an indispensable contribution to this important area of international law from a leading scholar in the field.

This accessible collection of important international human rights documents is an essential resource for students and researchers of international human rights law. In addition to standard instruments such as the Universal Declaration, the 1966 United Nations Covenants and the European Convention and its Protocols, the volume also features topics and documents such as all core UN human rights treaties and their protocols, key international labour instruments and the obligations of the global financial organisations and multi-national corporations. Taking a broad and historical approach, the collection also incorporates Inter-American, African, Asian and Arab instruments alongside older UN documents and numerous soft law documents. Its approach reflects the diverse nature of international human rights law and the courses which now seek to teach it. This book is also valuable for students of international law, global governance and other courses which discuss the law of international human rights.

Reframing Human Rights in a Turbulent Era

Human Rights and the Environment

Human Rights and International Trade

International Human Rights Law and Practice

A Story of Transformation

Lessons from Nordic Approaches

Throughout its history, America’s policies have alternatively embraced human rights, regarded them with ambivalence, or rejected them out of hand. The essays in this volume put these shifting political winds into a larger historical perspective, from the country’s very beginnings to the present day.

The United Nations Convention on the Rights of the Child 1989 is one of the most highly ratified human rights treaties in the world, with 192 states currently signed up to it. Article Twelve is fundamental to the Convention and states that all children capable of forming views have the right to express those views, and recognises that all children have the right to be heard in any judicial and administrative proceedings affecting them. This book explores the historical and theoretical background to Article Twelve, and examines the various models of participation which have been created to facilitate a better understanding of this provision. Aisling Parkes analyzes the extent to which Article Twelve has been implemented under international law, and in domestic law, as well as setting-out recommendations for the most effective ways of implementing Article Twelve in all areas of children’s lives.

This book provides a precise concept of international human rights law, its development and the tangible meaning of civil and political rights, economic and social rights. It has highlighted women’s rights, globalization, human rights education, role of the UN and NGOs to protect human rights.

In recent years, human rights have come under fire, with the rise of political liberalism and the coming to power of populist authoritarian leaders in many parts of the world who contest and dismiss the idea of human rights. More surprisingly, scholars and public intellectuals, from both the progressive and the conservative side of the political spectrum, have also been deeply critical, dismissing human rights as flawed, inadequate, hegemonic, or overreaching. While acknowledging some of the shortcomings, this book presents an experimentalist account of international human rights law and practice and argues that the human rights movement remains a powerful and appealing one with widespread traction in many parts of the globe. Using three case studies to illuminate the importance and vibrancy of the movement around the world, the book argues that its potency and legitimacy rest on three main pillars: First, it is based on a deeply-rooted and widely appealing moral discourse that integrates the three universal values of human dignity, human welfare, and human freedom. Second, these values and their elaboration in international legal instruments have gained widespread - even if thin - agreement among states worldwide. Third, human rights law and practice is highly dynamic, with human rights being activated, shaped, and given meaning and impact through the on-going mobilization of affected individuals and groups, and through their iterative engagement with multiple domestic and international institutions and processes. The book offers an account of how the human rights movement has helped to promote human rights and positive social change, and argues that the challenges of the current era provide good reasons to reform, innovate, and strengthen that movement, rather than to abandon it or to herald its demise.

The Right of the Child to be Heard

Necessity in International Law

Key Issues

Research Handbook on International Human Rights Law

The Cambridge Handbook of New Human Rights

Disability Human Rights Law

The Nordic countries are well known globally for their high human rights standards and, at the same time, high degree of internet freedom. This edited collection reveals how the Nordic countries have succeeded in the task of protecting freedom of expression in the new media. It contains an overview of public policy choices and best practices of domestic online companies, which have the aspiration of finding global acceptance. Reviewing the topic of freedom of expression in new media within Nordic and Baltic countries, this book incorporates both general themes and interesting country-specific themes that will provide wider knowledge on the development of freedom of expression and media law in the online media era. A comprehensive analysis of regulation of online media, both at the level of legislation and application of law in courts and other authorities, are included. This book will contribute to the ongoing discussion as to whether there is a need to modify prevailing interpretation of freedom of expression. Human Rights Law: Regulating Freedom of Expression in New Media focuses on the multi-layered and complicated relationship between internet and human rights law. It contributes to the ongoing discussion regarding the protection of freedom of expression on the internet in the context of various doctrines of constitutional law, including the proliferation of constitutional adjudication. It will be of interest to researchers, academics, policymakers, and students in the fields of human rights law, internet law, political science, sociology, communication studies, media and communications studies and technology.

This handbook brings together the work of 25 leading human rights scholars from all over the world, covering a broad range of human rights topics.

Bringing together several contrasting views of each topic, this book addresses highly topical issues including institutional cooperation and lawmaking, and the interaction between trade and human rights in dispute settlement. Conceptual analysis is combined with case studies.

International Human Rights Law is a comprehensive introductory treatise, intended for all concerned about this critical area of international law, including students, lawyers, other advocates, teachers, and academics.

Human Rights in Asia

The Influence, Overlaps and Contradictions of the EU and the ECHR

The Right to Equality in European Human Rights Law

Taiwan and International Human Rights

Approaches of Regional and International Systems

Beginning Human Rights Law

Human rights offer a vision of international justice that today’s idealistic millions hold dear. Yet the very concept on which the movement is based became familiar only a few decades ago when it profoundly reshaped our hopes for an improved humanity. In this pioneering book, Samuel Moyn elevates that extraordinary transformation to center stage and asks what it reveals about the ideal’s troubled present and uncertain future.

This book tells a story of Taiwan’s transformation from an authoritarian regime to a democratic system where human rights are protected as required by international human rights treaties. There were difficult times for human rights protection during the martial law era; however, there has also been remarkable transformation progress in human rights protection thereafter. The book reflects the transformation in Taiwan and elaborates whether or not it is facilitated or hampered by its Confucian tradition. There are a number of institutional arrangements, including the Constitutional Court, the Control Yuan, and the yet-to-be-created National Human Rights Commission, which could play or have already played certain key roles in human rights protections. Taiwan’s voluntarily acceptance of human rights treaties through its implementation legislation and through the Constitutional Court’s introduction of such treaties into its constitutional interpretation are also fully expounded in the book. Taiwan’s NGOs are very active and have played critical roles in enhancing human rights practices. In the areas of civil and political rights, difficult human rights issues concerning the death penalty remain unresolved. But regarding the rights and freedoms in the spheres of personal liberty, expression, privacy, and fair trial (including lay participation in criminal trials), there are in-depth discussions on the respective developments in Taiwan that readers will find enlightening. In the areas of economic, social, and cultural rights, the focuses of the book are on the achievements as well as the problems in the realization of the rights to health, a clean environment, adequate housing, and food. The protections of vulnerable groups, including indigenous people, women, LGBT (lesbian, gay, bisexual, and transgender) individuals, the disabled, and foreigners in Taiwan, are also the areas where Taiwan has made recognizable achievements, but still encountered problems. The comprehensive coverage of this book should be able to give readers a well-rounded picture of Taiwan’s human rights performance. Readers will find appealing the story of the effort to achieve high standards of human rights protection in a jurisdiction barred from joining international human rights conventions. This book won the American Society of International Law 2021 Certificate of Merit in a Specialized Area of International Law.

A right to equality and non-discrimination is widely seen as fundamental in democratic legal systems. But failure to identify the human interest that equality aims to uphold reinforces the argument of those who attack it as morally empty or unsubstantiated and weakens its status as a fundamental human right. This book argues that an understanding of the human interest which equality aims to uphold is feasible within the jurisprudence of the European Court of Human Rights (ECtHR) and the European Court of Justice (ECJ). In comparing the evolution of the prohibition of discrimination in the case-law of both Courts, Charilaos Nikolaidis demonstrates that conceptual convergence within the European Convention on Human Rights (ECHR) and the EU on the issue of equality is not as far as it might appear initially. While the two bodies of equality law are extremely divergent as to the requirements they impose, their interpretation by the international judiciary might be properly analysed under a common light to emphasise the substantive dimension of equality in European Human Rights law. The book will be of great use and interest to scholars and students of human rights, discrimination law, and European politics.

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.

The Cambridge Companion to Human Rights Law

Bringing Human Rights Home

An Introduction

Towards Convergence in International Human Rights Law

A History of Human Rights in the United States

Disability in International Human Rights Law

Religion plays a pivotal role in the way women are treated around the world, socially and legally. This book discusses three Islamic human rights approaches: secular, non-compatible, reconciliatory (compatible), and proposes a contextual interpretive approach. It is argued that the current gender discriminatory statutory Islamic laws in Islamic jurisdictions, based on the decontextualised interpretation of the Koran, can be reformed through "Ijtihad": independent individual reasoning. It is claimed that the original intention of the Koran was to protect the rights of women and raise their status in society, not to relegate them to subordination. This Koranic intention and spirit may be recaptured through the proposed contextual interpretation which in fact means using an Islamic (or insider) strategy to achieve gender equality in Muslim states and greater compatibility with international human rights law. It discusses the negative impact of the so-called statutory Islamic laws of Pakistan on the enjoyment of women's human rights and robustly challenges their Koranic foundation. While supporting the international human rights regime, this book highlights the challenges to its universality: feminism and cultural relativism. To achieve universal application, genuine voices from different cultures and groups must be accommodated. It is argued that the women's human rights regime does not cover all issues of concern to women and has a weak implementation mechanism. The book argues for effective implementation procedures to turn women's human rights into reality.

The primary purpose of this book is to demonstrate the scope that already exists for using international human rights law in English courts, regardless of its status as 'incorporated' or 'unincorporated'. Murray Hunt addresses directly what are commonly supposed to be the theoretical obstacles to using human rights law in English courts and aims to raise awareness of the extent to which these have now fallen away in light of recent developments in English judicial practice. The book was first published in hardback in March 1997. This book shows that international human rights law has gained from the new elements in the UN Convention on the Rights of Persons with Disabilities (CRPD). It explores how the CRPD is intricately bound up with other international instruments by studying the relationship between the Convention rights and those protected by other human rights treaties, as well as the overall objectives of the UN. Using a social model lens on disability, the book shows how the Convention sheds new light on the very notion of human rights. The book provides a theoretical framework which explicitly integrates disability into international human rights law. It explains how the CRPD challenges the legal subject by drawing attention to distinct forms of embodiment, before introducing the idea of the 'dis-abled subject', which stems from a recognition that all individuals encounter disability-related issues during their lives. The book also shows how to apply this theoretical framework to several rights and highlights the consequences for the implementation of human rights treaties as a whole. It builds upon the literature of disability studies and legal and political theory, as well as drawing upon the recommendations of treaty bodies and reports of UN agencies and disabled people's organisations. This book thereby provides an agenda-setting analysis for all human rights experts, by showing the benefits of placing disabled people at the heart of international human rights law.

Does the increasing prominence of Asia also mark a new era for human rights in the region? This timely book uncovers the political drivers behind both recent regional and country-based changes to the recognition, promotion, and protection of rights. Human Rights in Asia focuses on the relationships between political regimes, institutions and cultures, and external actors, such as international organisations, NGOs, and business. The contributing authors provide important discussions on Burma, Cambodia, China, India, Indonesia, Malaysia, Singapore, Thailand, and the Philippines. Thematic chapters then go on to frame these individually focused contributions, by examining the international pressure to 'normalise' rights regimes, and the relationship between Islam and rights in the region. Providing a unique combination of country-specific and thematic analysis, this book will be a fascinating and beneficial read for postgraduate and undergraduate students in human rights and international relations, as well as scholars in politics, human rights, international relations and government, and NGO analysts.

The Experience of Pakistan

Human Rights Law in Europe

Challenging Human Rights Violations: Using International Law in U.S. Courts

Fragmentation in International Human Rights Law

International Human Rights Law Documents

International Human Rights Law

An analytical framework of due diligence obligations to address the increasing prevalence of non-State human rights risks

This unique textbook merges human rights law with its practice, from the courtroom to the battlefield. Human rights are analysed in their particular context and the authors assess, among other things, the impact of international finance, the role of NGOs, and the protection of rights in times of emergency, including the challenge posed by counter-terrorism. In parallel, a series of interviews with practitioners, case studies and practical applications offer multiple perspectives and challenging questions on the effective implementation of human rights. Although the book comprehensively covers the traditional areas of international human rights law, including its regional and international legal and institutional framework, it also encompasses through distinct chapters or large sections areas that have a profound impact on human rights worldwide, such as women’s rights, human rights and globalisation, refugees and migration, human rights obligations of non-state actors, debt and human rights and others.

In this edited collection, leading jurists and scholars examine how far regional and international human rights bodies borrow from and influence each other in their decisions and practices – and whether international human rights law is heading towards fragmentation or greater coherence.

This book provides a comprehensive and analytical overview of human rights law in Africa. It examines the institutions, norms, and processes for human rights realization provided for under the United Nations system, the African Union, and sub-regional economic communities in Africa, and explores their relationship with the national legal systems of African states. Since the establishment of the African Union in 2001, there has been a proliferation of regional institutions that are relevant to human rights in Africa. These include the Pan African Parliament, the Peace and Security Council, the Economic, Social and Cultural Council and the African Peer Review Mechanism of the New Partnership for Africa’s Development. This book discusses the links between these institutions. It further examines the case law stemming from Africa’s most important human rights instrument, the African Charter on Human and Peoples Rights, which entered into force on 21 October 1986. This new edition contains a new chapter on the African Children’s Rights Committee as well as full coverage of new developments and instruments, such as the Convention on the Rights of Persons with Disabilities, the Convention on Enforced Disappearances, and the African Charter on Democracy, Elections and Governance. Three cross-cutting themes are explored throughout the book: national implementation and enforcement of international human rights law; legal and other forms of integration; and the role of human rights in the eradication of poverty. The book also provides an introduction to the relevant human rights concepts.

The Universal Declaration of Human Rights

Due Diligence Obligations in International Human Rights Law

Theory and Practice

An Introduction to International Human Rights Law

New Technologies for Human Rights Law and Practice

The Twilight of Human Rights Law

Provides a roadmap for understanding the relationship between technology and human rights law and practice. This title is also available as Open Access.

This book is a printed edition of the Special Issue "Disability Human Rights Law" that was published in *Laws*

The only human rights textbook truly merging law with practice in a comprehensive and enjoyable manner.

This textbook provides a thorough and systematic overview of human rights law, including the most relevant practice and case law, but also dealing with theoretical issues. It pursues an original approach, seeking to reconcile its didactic purpose with a scientific one, positing that there must be a necessary synergy between these two purposes. Furthermore, the author is convinced that international human rights law should not be studied (as is done in virtually every textbook) as a special legal regime, separate and autonomous from the overall system of law. The book’s dominant theme is the interrelationship of international human rights law and general international law. Following this approach, the author has chosen to devote comparatively little content to institutional issues (Part IV) and to instead more intensively explore the structural impact of human rights law on the entire international order (Part I), on the sources (Part II) and obligations (Part III) of general international law, and what constitutes “fundamental” human rights (Part V), without neglecting other rights (Part VI).

The Development of Human Rights Law by the Judges of the International Court of Justice

Women, the Koran and International Human Rights Law

Recognition, Novelty, Rhetoric

Human Rights Law and Regulating Freedom of Expression in New Media

International Human Rights Law in Africa

Beyond Conflict of Laws

Whether you’re new to higher education, coming to legal study for the first time or just wondering what Human Rights Law is all about, Beginning Human Rights Law is the ideal introduction to help you hit the ground running. Starting with the basics and an overview of each topic, it will help you come to terms with the structure, themes and issues of the subject so that you can begin your

Human Rights module with confidence. Adopting a clear and simple approach with legal vocabulary explained in a detailed glossary, Howard Davis breaks the subject of Human Rights Law down using practical everyday examples to make it understandable for anyone, whatever their background. Diagrams and flowcharts simplify complex issues, important cases are identified and explained and on-the-spot questions help you recognise potential issues or debates within the law so that you can contribute in classes with confidence. Beginning Human Rights Law is an ideal first introduction to the subject for LLB, GDL or ILEX and especially international students, those enrolled on distance learning courses or on other degree programmes.

This book traces the various uses of the concept of necessity in international law, with the goal of determining whether there is any over-arching unity to these uses across the sub-disciplines of international law. The authors not only discuss necessity in international humanitarian law (IHL)and jus in bello, but also aim to situate necessity as understood in IHL within a larger discourse of international law generally. They untangle the confusing and often inconsistent usages of the term ‘necessity’ in these broad areas of international law, including human rights law. The authorsargue that necessity in international law has three different conceptions that cut across the various domains: necessity as exception, necessity as license, and necessity as regulation.In this book, the authors describe how these conceptions differ, and analyze them from a normative standpoint, arguing that necessity by exception requires principled restrictions (as found in international criminal law). They go on to explore necessity as a license in IHL, and offer an articulatedand workable standard for its curtailment. Further, the authors’ methodology is to interrogate the basic theoretical structure of the law through philosophical investigations, including the analysis of historical and contemporary ‘Just War Theory,’ and to determine whether the law ought to be revised or not.

The jurisprudence of the International Court of Justice generally demonstrates that no rule of international law can be interpreted and applied without regard to its innate values and the basic principles of human rights. Through its case-law the ICJ has made immense contributions to the development of human rights law, and in so doing continues to provide solutions to mounting international problems, such as terrorism and unilateral use of force. Part I of the book argues that the legislative spirit of contemporary international law lies in the doctrine of human rights and that the spirit of human rights doctrine lies in the principle of human dignity. Furthermore it argues that the processes of international legislation and international adjudication are inseparable, and that there is no norm of international law which does not intertwine the fundamental principle of human dignity with human rights doctrine. Hence human rights law is more a school of law than merely a normative branch of international law, and the ICJ’s willingness to engage in the development of human rights law depends upon which judicial ideology its judges subscribe to.In order to evaluate how this human rights spirit is manifested, or occasionally not manifested, through the vast jurisprudence of the ICJ, Parts II and III critically examine the Court’s principal contentious and advisory cases in which it has treated human rights questions. The legal reasoning of the Court and the opinions appended to its decisions by its individual judges are analysed in light of the principle of human dignity and the doctrine of human rights.

The book provides in-depth insight to scholars, practitioners, and activists dealing with human rights, their expansion, and the emergence of ‘new’ human rights. Whereas legal theory tends to neglect the development of concrete individual rights, monographs on ‘new’ rights often deal with structural matters only in passing and the issue of ‘new’ human rights has received only cursory attention in literature. By bringing together a large number of emergent human rights, analysed by renowned human rights experts from around the world, and combining the analyses with theoretical approaches, this book fills this lacuna. The comprehensive and dialectic approach, which enables insights from individual rights to overarching theory and vice versa, will ensure knowledge growth for generalists and specialists alike. The volume goes beyond a purely legal analysis by observing the contestation, rhetorics, the struggle for recognition of ‘new’ human rights, thus speaking to human rights professionals beyond the legal sphere.

The Quest for Substance in the Jurisprudence of the European Courts

Using Human Rights Law in English Courts

Islamic Law and International Human Rights Law

The relationship between Islamic law and international human rights law has been the subject of considerable, and heated, debate in recent years. The usual starting point has been to test one system by the standards of the other, asking is Islamic law 'compatible' with international human rights standards, or vice versa. This approach quickly ends in acrimony and accusations of misunderstanding. By overlaying one set of norms on another we overlook the deeply contextual nature of both systems and meaningful comparison and discussion is impossible. In this volume, leading experts in Islamic law and international human rights law attempt to deepen the understanding of human rights and Islam, paving the way for a more meaningful debate. Focusing on central areas of controversy, such as freedom of speech and religion, gender equality, and minority rights, the authors examine the contextual nature of how Islamic law and international human rights law are legitimately formed and applied within their respective communities. They examine how these fundamental interests are recognized and protected within the law, and what restrictions are placed on the freedoms associated with them. By examining how each system recognizes and limits fundamental freedoms, this volume clears the ground for exploring the relationship between Islamic law and international human rights law on a sounder footing. In doing so it offers a challenging and distinctive contribution to the literature on the subject for students, academics, and policy-makers engaged in the legal and religious debates surrounding Islam and the West.