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The Fundamentals of International Human Rights Treaty Law

Bertrand G. Ramcharan

- August 2010
- ISBN 978 90 04 17608 9
- *Hardback* (250 pp.)
- List price EUR 100.- / US\$ 142.-
- International Studies in Human Rights, 106

This book has a simple objective: to present the fundamentals of international human rights treaty law in a way that can be helpful to the national leader, official, or legal adviser whose duty it is to help put a human rights treaty regime into the law and practice in his or her country. It is a book of international law, as provided for in the principal international and regional human rights treaties and draws upon in the jurisprudence and practice of their monitoring organs. Chapter I discusses the nature and characteristics of international human rights law. Chapter II discusses the concept of a national protection system which must be in place if a human rights treaty is to be adequately implemented. Chapter III discusses the jurisprudence and practice of treaty bodies on the foundation issues of democracy and the rule of law. Chapter IV discusses human rights in times of crises and emergencies. Chapter V discusses preventive strategies. Chapter VI discusses the duty of Governments to respect, to protect and to ensure human rights. Chapter VII discusses the duty of Governments to provide redress for violations that might take place. Chapter VIII discusses the essence of supervision in reporting systems. Chapter IX discusses the essence of petitions and fact-finding procedures. Chapter X concludes with a discussion of the bedrock principles of universality, equality and justice as they emerge from the jurisprudence and practice of human rights treaty bodies.

Protecting Children in the Digital Era *The Use of Alternative Regulatory Instruments*

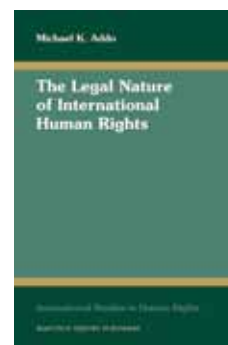
Eva Lievens

- August 2010
- ISBN 978 90 04 18477 0
- *Hardback* (330 pp.)
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From the mid-1990s onwards concerns regarding the exposure of children to harmful content in the increasingly digital media environment intensified. Soon thereafter policy makers across Europe realised that alternative regulatory instruments, such as self- and co-regulation, might be more appropriate than traditional legislation to address this matter of public interest. Taking the complex and delicate nature of protecting minors into account, this book provides an in-depth legal analysis of the alternative regulatory instruments that can be used to regulate content in the digital era, with particular attention to the protection of fundamental rights, such as freedom of expression, privacy and procedural guarantees, internal market regulation, competition rules, and implementation requirements.

The Legal Nature of International Human Rights

Michael K. Addo

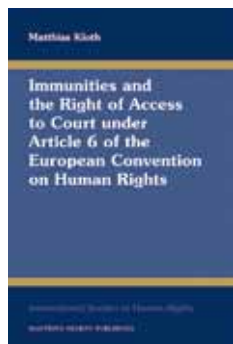


- May 2010
- ISBN 978 90 04 17390 3
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- International Studies in Human Rights, 104

The role and influence of human rights in society has been enhanced by its association with international law and yet despite this legal springboard, the scope of its legal nature remains uncertain. By means of a brief historical review alongside analyses of the work of international human rights courts and treaty bodies, this book assesses the distinctive legal dimension of human rights. It concludes that the legalisation of human rights is an unplanned and evolving social construct that continues under the managerial direction of international human rights courts and treaty bodies using the primary tool of treaty interpretation. These characteristics of the legal environment of human rights in international law provide a good appreciation of the law itself and its limits.

Immunities and the Right of Access to Court under Article 6 of the European Convention on Human Rights

Matthias Kloth



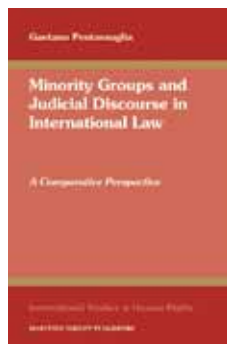
- February 2010
- ISBN 978 90 04 18184 7
- *Hardback* (xvi, 224 pp.)
- List price EUR 94.- / US\$ 133.-
- International Studies in Human Rights, 103

The conflict between immunities and the right of access to court under Article 6 of the European Convention on Human Rights remains one of the most interesting problems in the current Strasbourg jurisprudence. The European Court of Human Rights had to rule repeatedly on interferences with the right of access by State immunity or the immunity of international organisations. It is here that human rights law and public international law are directly conflicting with each other. “Domestic immunities” of Members of Parliament, judges, the police or the social services have likewise conflicted with the Convention. This book is the first comprehensive work which covers all kinds of immunities and which discusses the entire case-law of the European Court of Human Rights on the matter.

Minority Groups and Judicial Discourse in International Law

A Comparative Perspective

Gaetano Pentassuglia



- July 2009
- ISBN 978 90 04 17672 0
- *Hardback* (xxvi, 278 pp.)
- List price EUR 99.- / US\$ 141.-
- International Studies in Human Rights, 102

Set against previous stages of minority protection under international law, this book discusses the role of courts and court-like bodies – particularly in the Americas, Africa and Europe – in articulating and accommodating the interests and needs of ethno-cultural minority groups as part of the human rights discourse. Conceptually, it exposes different moments of intervention by such bodies involving the recognition of group existence or identity, the adjustment of human rights norms to accommodate the group’s perspectives, the establishment of processes designed to address the complexities resulting from competing claims, and the expansion of procedural avenues within litigation. The result is a fresh comparative – practical and theoretical – perspective on international jurisprudence as an emerging distinctive component in the complex history of the field.

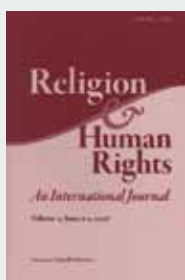
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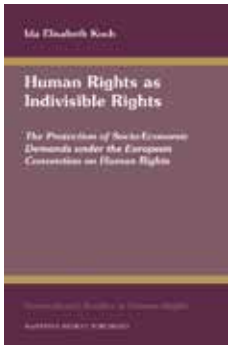
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Human Rights as Indivisible Rights

The Protection of Socio-Economic Demands under the European Convention on Human Rights

Ida Koch



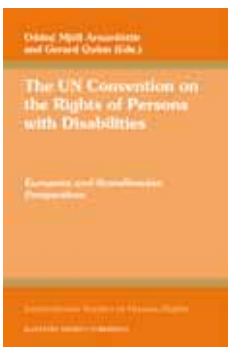
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- International Studies in Human Rights, 101

It is usually assumed that economic, social and cultural rights are two different kinds of rights. Despite this dichotomous perception of human rights we talk about human rights as indivisible, interrelated and interdependent. The purpose of the book is to examine how the European Court of Human Rights perceives of the indivisibility notion as a legal phenomenon. This is done by analysing five different socio-economic rights: the right to health, the right to housing, the right to education, the right to social cash benefits and various work related rights. The examination clearly illustrates that the Court perceives of human rights as indivisible rights and this integrated approach to human rights protection and its further potential is discussed from a hermeneutic perspective.

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The UN Convention on the Rights of Persons with Disabilities

European and Scandinavian Perspectives

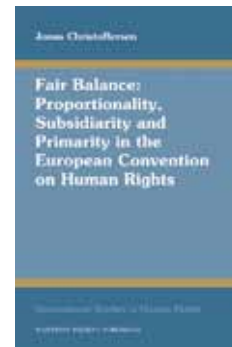


- Edited by Oddný Mjöll Arnardóttir and Gerard Quinn
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 - International Studies in Human Rights, 100

The International Convention on the Rights of Persons with Disabilities is the first human rights treaty adopted by the United Nations in the 21st century. It seeks to secure the equal and effective enjoyment of human rights for the estimated 650 million persons with disabilities in the world. It does so by tailoring general human rights norms to their circumstances. It reflects and advances the shift away from welfare to rights in the context of disability. The Convention itself represents a mix between non-discrimination and other substantive human rights and gives practical effect to the idea that all human rights are indivisible and interdependent. This collection of essays examines these developments from the global, European and Scandinavian perspectives and the challenge of transposing its provisions into national law. It marks the coming of age of disability as a core human rights concern.

Fair Balance: Proportionality, Subsidiarity and Primarity in the European Convention on Human Rights

Jonas Christoffersen



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In one of the most important publications on the European Convention and Court of Human Rights in recent years, a wide range of fundamental practical and theoretical problems of crucial importance are addressed in an original and critical way bringing a fresh, coherent and innovative order into well-known battle zones. The analysis revolves around the Court's fair balance-test and comprises in-depth analyses of e.g. methods of interpretation, proportionality, the least onerous means-test, the notion of absolute rights, subsidiarity, formal and substantive principles, evidentiary standards, proceduralisation of substantive rights etc. The author coins the term of "primarity" in order to clarify the obligation of the Contracting Parties to implement the Convention in domestic law.

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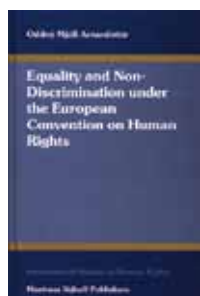
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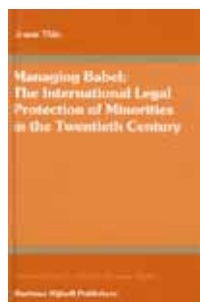
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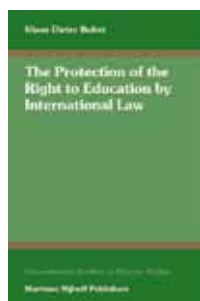


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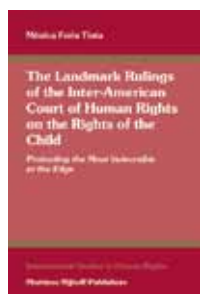


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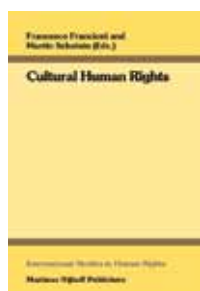
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