

# THE INTERNATIONAL LAW OF HUMAN RIGHTS

ADAM MCBETH  
JUSTINE NOLAN  
SIMON RICE

SECOND EDITION

OXFORD

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# FOREWORD

## The Hon Michael Kirby AC CMG

One time Justice of the High Court of Australia (1996–2009)

This is the second edition of an excellent text on a subject of great moral, political and legal importance. I wrote the foreword to the first edition. In it, I suggested that its topic was one of increasing interest for judges, practising lawyers, law students and citizens. Once the Cinderella of the law, this was a topic of increasing importance for law's practitioners. The intervening years since the first edition have not cast doubt on the centrality of the topics considered here. However, the Brexit vote in the United Kingdom in June 2016; the unexpected election of Mr Donald Trump in November 2016 on a platform of international scepticism; and the ongoing debates in Australia concerning offshore processing of our asylum seekers illustrate the controversy and challenge of any Australian book on this subject matter.

When I wrote the foreword to the first edition, I singled out the five special features of the book that deserved attention and praise. I remain of that view. First, the authors have written this text in an historical way, tracing the relatively sudden advent of universal human rights law from the moment when the *Charter* of the United Nations was adopted. That event occurred at San Francisco in 1945. It followed the end of the Second World War, the creation of a new world order, the beginning of the conclusion of the era of colonial imperialism and white racial hegemony and the response of the world community to the shocking revelations of genocide (including the Holocaust) that preceded and followed the end of the conflict. The new order also responded to the frightening danger of nuclear proliferation and its potential for global and existential catastrophe. It was soon after that time that steps were taken to draft the *Universal Declaration of Human Rights*. That instrument was brought into operation in 1948. As an Australian schoolboy, I received a copy from my teacher in 1949. It fired my imagination. The authors show how the developments of international human rights law can substantially be traced back to these historic events and to the institutional and doctrinal consequences that have flowed from them. The steps that followed, as well as the machinery for further development, are accurately and incisively described.

Secondly, the authors recognise that, of its nature, international human rights law is in a constant state of evolution. However, its foundations lie in the 'black letter' provisions expressed in the successive declarations, covenants, conventions and treaties that have been adopted since 1945 and that continue to evolve from the 'soft law' that ordinarily precedes the emergence of the binding rules of international law. In my experience, the most accomplished and successful human rights lawyers are those who appreciate the need to refine their legal skills and not simply to treat human rights law as aspirational or as comprising moral generalities. This is a new body of *law*. However, it is *law* nonetheless. It is therefore a worthy, and I believe essential, part of the equipment of a contemporary lawyer, especially one facing the prospect of a lifetime's service to the law as it is now being shaped for the future.

Thirdly, the authors describe, fairly I believe, the responses of the traditional common law ‘dualist’ system to contemporary international human rights law. They reveal the sometimes hostile (and occasionally welcoming) approach of national judges to the interaction of the domestic and international legal systems. Hostility cannot endure as a permanent approach because of the very rapid and pervasive expansion of international law, including the international law of human rights. In one of the most important decisions of the High Court of Australia, one that re-expressed a basic principle of land law in the context of native title rights in *Mabo v Queensland [No 2]* (1992) 175 CLR 1 at 44, Justice Brennan (for the majority) reached out to a principle of universal human rights law. He did so to rectify a great legal wrong that the courts and legislatures of Australia had not to that time corrected. Interactions of this kind between conventional approaches to finding and declaring the law and a more modern dialogue between the systems of domestic and international law are bound to expand despite occasional rear-guard resistance by local formalists. A great merit of this book is that it demonstrates how such changes are happening on many fronts. And it suggests ways in which, in the future, more such changes will happen.

Fourthly, the ‘snapshots’ (as they are called) which appear throughout the book give short and interesting instances of real life decisions and circumstances where international human rights law has been invoked, and sometimes applied with varying success. Through a set of curious chances, I have enjoyed a number of opportunities to witness and sometimes contribute to the creation, application and refinement of international human rights law in practice. This can sometimes leave one with a sense of frustration and even occasionally disillusionment. However, more usually, the result is encouraging, causing optimism as human beings in many countries, despite differing legal, cultural and other traditions, seek to find basic principles that they hold in common, simply because they are human. As a participant in the special procedures of the United Nations human rights machinery, I saw this when I was Special Representative of the Secretary-General for Human Rights in Cambodia (1993–96) and when Chairman of the United Nations Human Rights Council’s Commission of Inquiry on North Korea (2013–14). But I also witnessed it as a member of the UNESCO International Bioethics Committee, drafting the *Universal Declaration on Bioethics and Human Rights* (2005), in the UNDP Global Commission on HIV and the Law (2011–12) and in the United Nations Secretary-General’s High Level Panel on access to essential health care (2015–16). Human beings increasingly realise the need to work together and to seek common ground in the practical challenges to universal human rights. By their ‘snapshots’, the authors illustrate instances, local and international, where this is happening.

Fifthly, the authors look to the future. They make it clear that the institutions which they describe, and the doctrines they analyse, will continue to evolve and to enter entirely new fields that will need to be analysed.

In the first edition of this book I predicted that a number of important topics then on the horizon, would require attention in the future. I mentioned the growing categories of ‘vulnerable people’ for whom the international law of human rights was making increasing provision. They included data subjects, drawing on the OECD *Guidelines on Protection of Privacy and Transborder Flows* (1980); sexual minorities such as homosexuals, bisexuals, transsexuals, intersex and ‘queer’ people considered by the UN Human Rights Committee in *Toonen v Australia* (1994) and in the

*Yogyakarta Principles*; people living with HIV and AIDS and other diseases the subject of many reports and guidelines of international law; victims of endemic poverty, comprising over 2 billion people, about a quarter of the population of the planet; the growing debates about the biosphere climate change and protection of the natural environment; as well as animal rights, lying beyond the boundaries of human rights but taking inspiration from that source.

Now, in this edition, the authors have revised and updated every chapter of this book. They have added an important new primer on international law in Chapter 5. They have elaborated many new 'emerging rights' in Chapter 19. These include several that I foreshadowed in the first edition. Such as sexual orientation and gender identity rights; environmental rights; and extra-territorial human rights obligations.

Some topics, although mentioned in the first edition, have been given separate and enlarged treatment because of recent legal developments. These include conflict (Chapter 10); terrorism and counter-terrorism (Chapter 11); and corporations and human rights (Chapter 13). But this still leaves subject matters to await future editions. In one sense, special attention to the proliferation and stockpiling of nuclear weapons may warrant new and urgent priority. In part, because of the slowing down of the earlier progress and 'in part' because unstable nations or non-state actors have secured, or sought, nuclear weapons. Unless this grave danger can be effectively addressed by international law, the long-term risks to the survival of the human and other species and our environment must be in serious doubt.

Some lawyers, and other citizens, are sceptical, and others hostile, to the subjects and developments recorded in this book. In my view, that is the wrong approach to adopt. Reconciling the traditional sovereignty of nation states with the global features of the contemporary world and its technologies demands an international approach. Links that are now established by global travel, epidemics, telecommunications and the internet demonstrate vividly and to virtually all the commonalities we now share in human existence. Recognising those commonalities and responding to the differences, is truly an urgent challenge for lawyers in the contemporary age.

When in December 1948, the *Universal Declaration of Human Rights*, envisaged by the UN *Charter* was declared adopted by the President of the General Assembly of the United Nations, a distinguished Australian, and a past Justice of the High Court of Australia, H.V. Evatt, was in the chair. In that historic moment, Evatt observed that this was:

[T]he first occasion on which the organised community of nations had made a declaration of human rights and fundamental freedoms. That document was backed by the body of opinion of the United Nations as a whole and millions of people, men, women and children all over the world, would turn to it for help, guidance and inspiration. (UN *General Assembly Record*, 10 December 1948, 934).

As human beings, we can share a measure of satisfaction about the achievements that are recorded by the authors. Yet much remains to be done. And the most important challenges for humanity and its precious environment still lie ahead. So this is a book about our future.

Michael Kirby  
Sydney

# ACRONYMS

AAA	American Anthropological Association
AALCO	Asian-African Legal Consultative Committee
ACAN	Australian Corporate Accountability Network
ACFTU	All China Federation of Trade Unions
ACHPR	African Charter on Human and People's Rights
ACHR	American Convention on Human Rights
ACOSS	Australian Council of Social Service
ACSJC	Australian Catholic Social Justice Council
ACT	Australian Capital Territory
ADA	<i>Age Discrimination Act 2004</i> (Cth) [Australia]
ADHRB	Americans for Democracy and Human Rights in Bahrain
AFP	Australian Federal Police
AHRC Act	<i>Australian Human Rights Commission Act 1986</i> (Cth)
AHRC	Australian Human Rights Commission
AHRD	ASEAN Human Rights Declaration
AI	Amnesty International
AICHR	ASEAN Intergovernmental Commission on Human Rights
AIPP	Asia Indigenous Peoples Pact
ALRC	Australian Law Reform Commission
ANC	African National Congress [South Africa]
ANCP	Australian National Contact Point ( <i>for the OECD Guidelines for Multinational Enterprises</i> ); <i>see also</i> NCP
ANGOC	Australian NGO Coalition
APA	Ad Hoc Working Group on the Paris Agreement
APEC	Asia-Pacific Economic Cooperation Council
ASEAN	Association of South-East Asian Nations
ASIO	Australian Security Intelligence Organisation
ATCA	<i>Alien Tort Claims Act 1789</i> (US)
ATS	<i>Alien Tort Statute</i> aka <i>Alien Tort Claims Act</i> (ATCA)
AU	African Union
AWB	Afrikaner Weerstandsbeweging
AWG-LCA	Ad-Hoc Working Group on Long-Term Cooperative Action
BCE	before Common era
BINGO	business-related NGO
BONGO	business-organised NGO
BPFA	Beijing Platform for Action [ <i>from</i> Fourth UN Conference on Women's Human Rights, Beijing, 1995]



CANZUS Group	Canada, Australia, New Zealand and the United States
CAT	Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CE	Common era
CEACR	ILO Committee of Experts on the Application of Conventions and Recommendations
CEAS	Common European Asylum System
CED	Committee on Enforced Disappearances
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CEO	Chief Executive Officer
CERD	UN Committee on the Elimination of All Forms of Racial Discrimination
CESCR	UN Committee on Economic, Social and Cultural Rights
CESR	Centre for Economic and Social Rights
CFA	Committee on Freedom of Association (ILO)
CIA	Central Intelligence Agency
CIDSE	Coopération Internationale pour le Développement et la Solidarité
CMW	Committee on Migrant Workers
CoNGO	Conference of NGOs in Consultative Relationship with the United Nations
COP	Conference of the Parties (for the United Nations Framework Convention on Climate Change)
CRC	Convention on the Rights of the Child
CROC-OPAC	<i>See</i> OP-CRC-AC
CROC-OPSC	<i>See</i> OP-CRC-SC
CRPD-OP	<i>See</i> OP-CRPD
CSO	civil society organisation
CSO-Net	Civil Society Network [web portal of DESA]
CSW	UN Commission on the Status of Women
Cth	Commonwealth of Australia
DAW	UN Division for the Advancement of Women (replaced by UN Entity for Gender Equality and the Empowerment of Women <i>aka</i> UN Women)
DDA	<i>Disability Discrimination Act 1992</i> (Cth) [Australia]
DESA	UN Department of Economic and Social Affairs
DPCS Act	<i>Drugs, Poisons and Controlled Substances Act 1981</i> (Vic)
DPOs	Disabled Persons Organizations
DPRK	Democratic People's Republic of Korea [North Korea]
DPSP	Directive Principles of State Policy [India]
DRC	Democratic Republic of the Congo
DSPD	Division for Social Policy and Development
EAC	East African Community Treaty

ECA	UN Economic Commission of Africa
ECCC	Extraordinary Chambers in the Courts of Cambodia
ECEL	European Council of Environmental Law
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms; <i>aka</i> European Convention on Human Rights
ECJ	European Court of Justice
ECLAC	UN Economic Commission for Latin America and the Caribbean
ECOSOC	UN Economic and Social Council
ECtHR	European Court of Human Rights
EOWA	Equal Opportunity for Women in the Workplace Agency [Australia]
ESC	economic, social and cultural
ESCAP	UN Economic and Social Commission for Asia and the Pacific
ESCR	economic, social and cultural rights
ESCR-Net	International Network for Economic, Social & Cultural Rights
EU	European Union
FAO	UN Food and Agricultural Organisation
FIDH	International Federation for Human Rights
FIFA	Fédération Internationale de Football Association
FLA	Fair Labor Association [US]
FPLC	Forces patriotique pour la libération du Congo
G3ict	Global Initiative for Inclusive Information and Communication Technologies ( <i>an initiative of</i> UN-GAID)
GAPWUZ	General Agricultural and Plantation Workers' Union [Zimbabwe]
GONGO	government-organised NGO
GRINGO	government-related NGO
HRA	<i>Human Rights Act 2004</i> (ACT)
HRC	UN Human Rights Council (when the abbreviation appears in UN document symbols); more usually: Human Rights Committee, the treaty body for the ICCPR
HR Committee	Human Rights Committee (treaty body for the ICCPR)
HREOC	Human Rights and Equal Opportunity Commission ( <i>replaced by</i> AHRC)
HRW	Human Rights Watch
IACHR	Inter-American Court of Human Rights
IASG	UN Inter-Agency Support Group
IBRD	International Bank for Reconstruction and Development
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP1	(First) Optional Protocol to the International Covenant on Civil and Political Rights (to establish a complaint mechanism for individuals)
ICCPR-OP2	Second Optional Protocol to the International Covenant on Civil and Political Rights (Aiming at the abolition of the Death Penalty)

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICESCR-OP	Optional Protocol of the International Covenant on Economic, Social and Cultural Rights (to establish a complaint mechanism for individuals and groups)
ICHRP	International Council on Human Rights Policy
ICJ	International Court of Justice
ICPED	International Convention for the Protection of All Persons from Enforced Disappearance
ICRC	International Committee of the Red Cross
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
ICRPD	International Convention on the Rights of Persons with Disabilities
ICSID	International Centre for Settlement of Investment Disputes
iCSO	integrated Civil Society Organizations System [within the NGO Branch of UN Department of Economics and Social Affairs]
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the Former Yugoslavia
IDPs	internally displaced persons
IFAD	International Fund for Agricultural Development
IFRC	International Federation of the Red Cross and Red Crescent Societies
IGO	intergovernmental organisation
IIPFCC	International Indigenous Peoples' Forum on Climate Change
ILC	International Labour Conference
ILO MNE Declaration	ILO Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy
ILO	International Labour Organisation
ILRF	International Labor Rights Fund [United States]
IMF	International Monetary Fund
IMT	International Military Tribunal ( <i>aka</i> Nuremberg Tribunal)
INDCs	Intended Nationally Determined Contributions
INGO	international non-governmental organisation
INSTRAW	International Research and Training Institute for the Advancement of Women ( <i>replaced by</i> UN Entity for Gender Equality and the Empowerment of Women <i>aka</i> UN Women)
IOE	International Organisation of Employers
IOM	International Organization for Migration
IPEC	International Programme on the Elimination of Child Labour
JSCOT	Joint Standing Committee on Treaties [Australia]
ITUC	International Trade Union Confederation

LANGO	Law on Associations and Non-Government Organizations [Cambodia]
LAS	League of Arab States
LCA	Law Council of Australia
LGBT	Lesbian, Gay, Bisexual and Transgender
LICADHO	Cambodian League for the Promotion and Defense of Human Rights
LOIPR	List of Issues Prior to Reporting
LRA	The Lord's Resistance Army [Uganda]
MDG	Millennium Development Goals
MNE	multinational enterprise
MONUC	UN Organisation Mission in the Democratic Republic of the Congo
MSIs	Multi-stakeholder initiatives
NAM	Non-Aligned Movement (in the UN General Assembly)
NAP	national (human rights) action plan
NATO	North Atlantic Treaty Organisation
NCP	National Contact Point ( <i>for the OECD Guidelines for Multinational Enterprises</i> )
NDIS	National Disability Insurance Scheme [Australia]
NGO	non-governmental organisation
NHRCC	National Human Rights Consultation Committee [Australia]
NHRI	national human rights institution
NIA	National Interest Analysis [Australia]
NJGMs	non-judicial grievance mechanisms (in the <i>Guiding Principles on Business and Human Rights</i> )
NSW	New South Wales [Australia]
NT	Northern Territory [Australia]
NTER	Northern Territory Emergency Response [Australia]
OAS	Organization of American States
OAU	Organisation of African Unity ( <i>now replaced by AU</i> )
ODVV	Organization for Defending Victims of Violence
OECD	Organisation for Economic Cooperation and Development
OHCHR	Office of the UN High Commissioner for Human Rights
OIC	Organization of Islamic Conference
OP3-CRC	Optional Protocol to the Convention on the Rights of the Child on a communications procedure (to establish a complaint mechanism for individuals)
OP-CRC-SC	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
OP-CAT	Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (to establish a Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment, to conduct regular inspections of places of detention)

OP-CEDAW	Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (to establish a complaint mechanism for individuals)
OP-CRC-AC	Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
OP-CRPD	Optional Protocol to the Convention on the Rights of Persons with Disabilities (to establish a complaint mechanism for individuals and groups)
OP-ICESCR	Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (to establish a complaint mechanism for individuals and groups)
OP-ICRPD	Optional Protocol to the Convention on the Rights of Persons with Disabilities (to establish a complaint mechanism for individuals and groups)
OSAGI	Office of the Special Adviser on Gender Issues and Advancement of Women ( <i>replaced by</i> UN Entity for Gender Equality and the Empowerment of Women <i>aka</i> UN Women)
PCIJ	Permanent Court of International Justice
PDF	Pacific Disability Forum
PIF	Pacific Islands Forum
PJCHR	Parliamentary Joint Committee of Human Rights
POSA	Public Order and Security Act [Zimbabwe]
QLD	Queensland [Australia]
QUANGO	quasi-NGO
RAID	Rights and Accountability in Development (UK NGO)
RDA	<i>Racial Discrimination Act 1975</i> (Cth) [Australia]
RIADIS	Latin American Network of IGOs
RINGO	religious-based NGO
RQD	Refugee Qualification Directive [European Union]
SAARC	South Asian Association on Regional Cooperation
SBI	Subsidiary Body for Implementation [United Nations Framework Convention on Climate Change]
SBSTA	Subsidiary Body for Scientific and Technological Advice [United Nations Framework Convention on Climate Change]
SDA	<i>Sex Discrimination Act 1984</i> (Cth) [Australia]
SDGs	Sustainable Development Goals
SEDISCAP	Secretariat for the Implementation of the Decade's Program of Action
SERAC	Social and Economic Rights Action Centre [Nigeria]
SIS	Security Intelligence Service [New Zealand]

SPT	UN Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
SRSG	Special Representative of the UN Secretary-General on Human Rights and Transnational Corporations and Other Business Enterprises
STP	Society for Threatened Peoples [Germany]
TAC	Treatment Action Campaign [South Africa]
TNC	transnational corporation
TPP	Trans-Pacific Partnership
UCC	Union Carbide Corporation
UCIL	Union Carbide India Limited
UDHR	Universal Declaration of Human Rights
UK	United Kingdom
UN Charter	Charter of the United Nations
UN ESCOR	UN Economic and Social Council Official Records
UN GAOR	UN General Assembly Official Records
UN SCOR	UN Security Council Official Records
UN Women	UN Entity for Gender Equality and the Empowerment of Women
UN	United Nations
UNCHR	UN Commission on Human Rights
UNCTAD	UN Conference on Trade and Development
UNDESA	UN Department of Economic and Social Affairs
UNDG	UN Development Group
UNDP	UN Development Programme
UNDPI	UN Department of Public Information
UNDRIP	UN Declaration on the Rights of Indigenous Peoples
UNESCO	UN Educational, Scientific and Cultural Organization
UNFCC	United Nations Framework Convention on Climate Change
UNFPA	UN Population Fund
UN-GAID	UN Global Alliance for ICT and Development
UNHCR	UN High Commission for Refugees
UNICEF	UN Children's Fund ( <i>formerly</i> UN International Children's Emergency Fund)
UNIFEM	UN Development Fund for Women ( <i>replaced by</i> UN Entity for Gender Equality and the Empowerment of Women <i>aka</i> UN Women)
UNIPP	UN Indigenous Peoples' Partnership
UN-NGLS	UN Non-Governmental Liaison Service
UN-NGO-IRENE	UN-sponsored NGO Informal Regional Network
UNPFII	UN Permanent Forum on Indigenous Issues
UNRWA	UN Relief and Works Agency for Palestine Refugees in the Near East
UNTC	United Nations Treaty Collection
UPC	Union of Congolese Patriots
UPR	Universal Periodic Review

US	United States
USSR	Union of Soviet Socialist Republics
Vic	Victoria [Australia]
WANGO	World Association of Non-Governmental Organisations
WGEA	Workplace Gender Equality Agency [Australia]
WGIP	Working Group on Indigenous Populations
WHO	World Health Organization
WIPO	World Intellectual Property Organization
WPA	World Programme of Action concerning Disabled Persons
WTO	World Trade Organization
WVA	World Vision Australia

# PREFACE

Each of the authors has worked in and taught human rights law over many years. We have been lawyers, advocates, campaigners, commentators, trainers, writers and teachers. In doing this we have adapted materials on human rights law to a wide range of purposes, and have gained a good understanding of the central issues in the philosophy, principles and practice of human rights law. This understanding has informed us in writing a book that explains the fundamentals of human rights law in a coherent and connected way, and examines some of the difficult and challenging contemporary issues.

Dealing with human rights law, in discussion or in practice, means dealing with both its origins and its explication in international and regional forums. International documents, institutions and jurisprudence have established, and continue to explore, a new understanding of humanity, premised on a fundamental commitment to peace through respect. This commitment is detailed in a chain of instruments which starts with the Charter of the United Nations and the Universal Declaration of Human Rights, and continues today with the possibility of, for example, a treaty to recognise the human rights of the world's indigenous peoples.

Although the idea of human rights is not dependent on these international instruments, the existence of international human rights law is. The practical enjoyment of human rights, and the enforcement of reciprocal responsibilities, are dependent on the terms and operation of the institutions of human rights law, which in turn gain their legitimacy from agreement among states, both internationally and regionally. As a result, we have structured the book on the premise that human rights law is what is set out in the Universal Declaration of Human Rights, the consequent covenants and conventions, and the related jurisprudence. Our positivist approach to human rights law is conscious, and follows from the positivism of the international law regime. It has, for example, led to our illustrating many aspects of international human rights with 'snapshots' of current practice and issues.

This second edition unfolds in two stages. First, Parts 1 to 3 describe in detail the system of international human rights law—internationally, in regions, and in the context of international law more generally. In light of that account, Part 4 then focuses on current issues in human rights, and looks ahead to emerging areas of human rights coverage.

In Part 1 we introduce human rights law by reference to the developments in international cooperation after the Second World War, and we describe the history of rights discourse which informed the 20th century formulation of human rights. Part 2 provides a detailed account of those rights, following an established but debatable distinction between civil and political rights on the one hand, and economic, social and cultural rights on the other. In Part 3, after an introduction to the principles and practice of international law, we give an account of the international system for protection and promotion of human rights, through the United Nations system and in regional arrangements including Australia.

Part 4 focuses on contemporary issues of human rights as they relate, first, to armed conflicts



and the persistent phenomenon of terrorism, and then vulnerable and marginalised people and transnational corporations. The Part concludes with an exploration of new areas of human rights activity: sexual orientation and gender identity rights, environmental rights, and extra-territorial obligations.

It is our hope that the book's narrative arc—from origins to current issues—will give readers a sound understanding of the story of international human rights, a story that is just 70 years old. At the same time, the book's four parts, divided into 19 chapters, will enable readers to use the book as a reference on particular topics.

No less than for the first edition, we have found writing this book to be difficult and rewarding. Difficult because we continue to be busy with teaching, administration and research as academics, and with the lives of our young families. Rewarding because we continue to enjoy each other's support, enthusiasm and knowledge, and have had the support and counsel of our colleagues, friends and families. Adam particularly wishes to thank Belinda, Jamie, Xavier and Micah for their support and accommodation. Justine is thankful for the unwavering support and patience of Mike, Jack, Lucy and Sara. Simon is forever grateful to Elizabeth, and Michael, Emily, Daniel and Nicholas, for their interest, patience and understanding.

We did not write this book alone. We were supported by Oxford University Press, and this edition continues to benefit from the editorial work done on the first edition by Lynne Spender and John Warburton. Our respective law schools gave us time and funds to research and write, and our colleagues gave us advice, direction and encouragement. We received invaluable editorial assistance from Luke Taylor. We are grateful to our colleagues Megan Davis, Sarah Joseph, Chris Michaelsen, Nicola McGarrity, Noam Peleg and Tania Penovic for their comments and suggestions, and to officers in a number of non-government organisations and Commonwealth, state and territory agencies for information and assistance.

Developments in human rights law can be rapid or glacial, but there is always a treaty or a case or a report pending. The text reflects our best knowledge of the state of affairs as at 30 September 2016.

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