

OXFORD

6th EDITION

Textbook on



International Human Rights

Rhona K. M. Smith



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International Human Rights

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PREFACE

This text is intended to serve as a broad introduction to International Human Rights Law. Human Rights is a fascinating subject which pervades all aspects of life and all levels of society. In the last sixty years it has developed into a discipline in its own right, distinct from Public International Law. Given the breadth of human rights this text cannot address all aspects of the topic, nor even cover exhaustively those areas most commonly taught in courses, as every course follows a different pattern depending on the interests of those involved. Indeed, this is a source of much discussion between the publishers and authors of all human rights texts.

The approach taken is to introduce the reader to the scope of the subject in preparation for further study and research. To this end, primary sources have been employed as far as possible. Suggestions for further reading and appropriate web-site references are provided at the end of each chapter to provide a starting point for further study. The non-primary texts referred to are commonly found in university libraries and often available to subscribers online. A cross-section of substantive rights provides an indication of the scope of some of these rights (civil, political, economic, social, cultural, and collective) combining jurisprudence from the regional and international systems. An understanding of those covered in this book should facilitate study of any other rights and freedoms.

The basic documents, full references for which are given in the Table of Instruments, are usually accessible through websites as well as in compilations of documents (for example, Ghandhi, PR, *International Human Rights Documents*, 8th edn (Oxford: OUP Blackstone, 2012); Brownlie, I, and Goodwin-Gill, GS, *Basic Documents on Human Rights*, 6th edn (Oxford: OUP, 2010); Smith, R, *Core Documents on European and International Human Rights*, 2nd edn (Basingstoke: Palgrave Macmillan, 2012)). Cases, on the other hand, can be traced through websites and the official annual reports of the organization concerned. For example, the Treaty Bodies Database Search function of the site of the Office of the High Commissioner for Human Rights (www.ohchr.org) facilitates access to the jurisprudence of the conventional mechanisms of the United Nations while the official sites of the European Court of Human Rights and the Inter-American Court of Human Rights have specific search engines. In addition to the websites cited (the emphasis being on the official websites), there are detailed human rights' virtual libraries with links to jurisprudence through the University of Minnesota (www1.umn.edu/humanrts), through the SIM Document Centre at the University of Utrecht (www.sim.law.uu.nl) and through Bayefsky.com (www.bayefsky.com) which was established by Professor Ann Bayefsky. The information in the present text for the cases allows searches to be conducted on these and other search engines. Appropriate links and more information on this can be found in the companion website to this textbook. Web links in the text have been updated to September 2013. A range of OUP staff and contract staff have been supportive, as always, with technical aspects of commissioning and publishing this edition.

For the 6th edition, the text has been thoroughly revised and updated. This has resulted in the addition of new material from the Organization of American States and the African Union. Account has also been taken of developments in the

Council of Europe, not least with the pending accession of the European Union to the Council's primary convention. Within the United Nations' system, there has been general updating as well as modernisation of many examples. The discussion boxes and examples have been augmented, following reviews, and the reading lists and websites developed.

Inevitably with a work like this, there are those people without whom it would not have been possible and those in spite of whom it appears. I wish to publicly record my gratitude to the former, to those whose support and assistance made this possible. My interest in Human Rights started at the University of Strathclyde during my doctoral studies and through teaching on the then undergraduate introductory course on European Human Rights, though international issues increasingly appeared in the programme in response to student interest. More recently, I have benefited from the experience of teaching International Human Rights at Northumbria University and the feedback thereon from the students. For resource facilities, staff at the Council of Europe and the United Nations in Geneva kindly answered queries and some of the research underpinning this book has taken place in university libraries around the world when I have been working or indeed holidaying overseas. Various anonymous reviewers generously read and commented on the text, many other academics completed and returned book evaluation forms, and several students emailed me directly with comments. From the preparation period of the first edition, I remain indebted to my family and friends, particularly N Busby, K Davidson, M Muir, S Grant, L Stevenson, L Swigciski, and R Webster. For the gestation period of subsequent editions, additionally J Core, S Lamont-Black and the Blue Max Co. I have also been fortunate to be invited to teach in a number of countries around the world which has greatly developed my understanding of international issues. I would like to formally thank RWI, PUSHAMUII, NCHR, PULS, and UWO for these opportunities. Finally I wish to credit those I have been fortunate enough to meet during my travels all over the world who have heightened my interest in and understanding of international human rights' issues.

This book is dedicated *til far, mor og Lorna, tusind tak og karlig hilsen* and, in the spirit intended, to my godchildren, Grayson, Ryan, Kahlia, and Duncan (in Australia) and Alistair.

The law contained in this text is correct as at September 2013.

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