INDEX

African Charter on Human and Peoples’ Rights, 32
Aisyiyah (Indonesia), 213
Akamba tribe (Kenya), 55
Alston, Philip, 116
American Anthropological Association (AAA), 26–7
American Declaration on the Rights and Duties of Man, 25
Anghie, Antony, 32
An-Na’im, Abdullahi Ahmed, 33, 49, 56–8, 85, 160, 287
Anshor, Maria Ulfar, 240–1
Arab Charter on Human Rights, 33
ASEAN Human Rights Declaration, 31, 169
Asian values debate, 17, 29–32, 48
Assyaukanie, Luthfi, 266
Australia, 276, 282
Austria, 95
Bali, 55
Bangkok Declaration, 30
Benin, 95, 97
Brazil, 151
Brems, Eva, 17, 32, 44
Burundi, 45–6, 100, 102
Cairo Declaration on Human Rights in Islam, 33
Canada, 282
Cassin, René, 122
CAT (Convention against Torture), 74, 83, 134–5
CAT Committee (Committee against Torture), 70, 82, 87, 134–5
CEDAW, see Convention on the Elimination of All Forms of Discrimination against Women
CEDAW Committee, see Committee on the Elimination of All Forms of Discrimination against Women
Centre for the Development of Pesantren and Society (P3M) (Indonesia), 193–4, 229, 242
CERD Committee (on the Elimination of Racial Discrimination), 74, 82, 133–4
CERD (Convention on the Elimination of All Forms of Racial Discrimination), 74
Chang, PC, 25
children and children’s rights, 2, 84–5, 128, 254
cities, 283–4
Clapham, Andrew, 122, 129
Colombia, 105
colonialism and Western bias, 30–2, 57, 241–6, 273
Committee against Torture (CAT Committee), 70, 82, 87, 134–5
Committee on Economic, Social and Cultural Rights (ESCR Committee)
comments and statements on cultural appropriateness, 39–40
health and healthcare, 174–5, 177–8, 189
NSAs, 129–33, 150
privatisation, 146
State discretion, 68, 70
<table>
<thead>
<tr>
<th>INDEX</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reporting Guidelines, 91–2, see also Harmonised Guidelines, see also International Covenant on Economic, Social and Cultural Rights (ICESCR)</td>
</tr>
<tr>
<td>Committee on the Elimination of All Forms of Discrimination against Women (CEDAW Committee) comments and statements on health and healthcare, 175, 180, 184, 188–9, 198–200, 255–9 NSAs, 135, 148–50 Concluding Observations, 99, 103–10 methods of treaty implementation, 75–6, 84–8 Reporting Guidelines, 92–3, see also Harmonised Guidelines, see also Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) Committee on the Elimination of Racial Discrimination (CERD Committee), 74, see also Convention on the Elimination of All Forms of Racial Discrimination (CERD) Committee on the Rights of the Child (CRC Committee) comments and statements on health and healthcare, 255–6 NSAs, 138–41, 149–50, 155 methods of treaty implementation, 73–6, 83–8, see also Convention on the Rights of the Child (CRC) compliance gap, 6, 64–5 Convention against Torture (CAT), 74, 82, 134–5 Convention for the Protection of All Persons from Enforced Disappearance, 37</td>
</tr>
<tr>
<td>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) cultural modification, 109 equality, 71–2 health and healthcare, 175, 178 methods of implementation, 7, 84 NSAs, 135 reporting, 92 reservations, 18, 33, see also Committee on the Elimination of All Forms of Discrimination against Women (CEDAW Committee) Convention on the Elimination of All Forms of Racial Discrimination (CERD), 74, 82, 133–4 Convention on the Rights of Persons with Disabilities, 37 Convention on the Rights of the Child (CRC), 64, 68, 83, 138–41, 173, 178, see also Committee on the Rights of the Child (CRC Committee) corporations, 119–20, 132, 150, see also private sector providers; social enterprises Covenants, see International Covenant on Civil and Political Rights (ICCPR); International Covenant on Economic, Social and Cultural Rights (ICESCR) CRC (Convention on the Rights of the Child), 64, 68, 83, 138–41, 173, 178 CRC Committee, see Committee on the Rights of the Child cultural relativism, 29–35 culturally sensitive approaches to human rights implementation and state law, 44–8, 60, see also vernacularisation effectiveness, 58–61 home-grown solutions, 48–53 in reproductive health, 175–7 need and scope for, 42–4</td>
</tr>
<tr>
<td>Page</td>
</tr>
<tr>
<td>------</td>
</tr>
<tr>
<td>314</td>
</tr>
</tbody>
</table>
INDEX

Ibhawoh, Bonny, 28, 50
ICCPR, see International Covenant on Civil and Political Rights
ICESCR, see International Covenant on Economic, Social and Cultural Rights
imperialism, see colonialism and Western bias
Indonesia, 164–267
child marriage, 2, 254
decentralisation of government, 187–8
family planning programme, 182–90
female genital mutilation/cutting (FGM/C), 237–8, 257–8
health insurance, 189
inheritance rights on Bali, 55
Islamic law and institutions, 210–15
legal pluralism, 267
compliance with international law, 250–61
Muslim feminists, 225–7
reinterpretations of Islamic texts, 227–46
polygamy, 238–40, 254
reproductive health and family planning
campaigns, 166–7, 251–2
law and policy, 180–90
socio-cultural determinants, 190–205
significance as case study, 17–19
Indonesian Council of Ulama (MUI), 1, 214–16, 237, 239, 246–7
inheritance rights, 51, 55
International Conferences on Population and Development (ICPD), 169, 172
International Covenant on Civil and Political Rights (ICCPR)
cultural modification, 109, 258
methods of implementation, 71, 80–1
NSAs, 128–9
State discretion, 66–7, see also Human Rights Committee (HRCee)

International Covenant on Economic, Social and Cultural Rights (ICESCR)
methods of implementation, 72, 81
NSAs, 128–33
right to health, 168–72
State discretion, 68, see also Committee on Economic, Social and Cultural Rights (ESCR Committee)
International Law Commission, 67–8, 70–2
Iraq, 96–7, 101–2
Islam and Islamic law
compatibility with human rights law, 250–61
concepts of feminism and gender, 241–6
diversity and universal character, 290–1
fatwas, 1–2, 216–20
importance to human rights implementation, 270–5
Indonesia
child marriage, 2, 254
female genital mutilation/cutting (FGM/C), 237–8, 257–8
law and institutions, 210–15
Muslim feminists and feminist reinterpretations of Islamic texts, 225–46
polygamy, 238–40, 254
Islamic reservations, 33
overview, 16–17, 165, 206–10
ulama, 156–7, see also Indonesian Council of Ulama (MUI)
Italy, 101
Kenya, 51, 55
Kisii tribe (Kenya), 51
Lauren, Paul Gordon, 27–8
Lebanon, 104
Lee, Kuan Yew, 30
<table>
<thead>
<tr>
<th>INDEX</th>
</tr>
</thead>
<tbody>
<tr>
<td>legal pluralism, 267</td>
</tr>
<tr>
<td>compatibility with international law, 250–61</td>
</tr>
<tr>
<td>legalisation and legalism of human rights, 7–10, 76–80, 276–81</td>
</tr>
<tr>
<td>Lenzerini, Federico, 27, 38</td>
</tr>
<tr>
<td>Liberia, 104, 106</td>
</tr>
<tr>
<td>Lukito, Ratno, 242</td>
</tr>
<tr>
<td>Macedonia, 96–7</td>
</tr>
<tr>
<td>Mahmood, Saba, 233, 235</td>
</tr>
<tr>
<td>Marcos-Natsir, Lies, 213, 215, 223, 230, 243</td>
</tr>
<tr>
<td>marriage</td>
</tr>
<tr>
<td>child marriage, 2, 84–5, 254</td>
</tr>
<tr>
<td>polygamy in Indonesia, 238–40, 254</td>
</tr>
<tr>
<td>Marshall, Katherine, 218–19, 290</td>
</tr>
<tr>
<td>McBeth, Adam, 122, 157</td>
</tr>
<tr>
<td>media, 83–4, 134, 139</td>
</tr>
<tr>
<td>Menchik, Jeremy, 17–18, 233</td>
</tr>
<tr>
<td>Merry, Sally Engle, 39, 51–2, 201, 242</td>
</tr>
<tr>
<td>Mir-Hosseini, Ziba, 226, 228</td>
</tr>
<tr>
<td>Morsink, Johannes, 25</td>
</tr>
<tr>
<td>Muhammadiyah (Indonesia), 215–21, 246–7</td>
</tr>
<tr>
<td>MUI, see Indonesian Council of Ulama</td>
</tr>
<tr>
<td>Mulia, Siti Musdah, 229–30, 239, 266</td>
</tr>
<tr>
<td>Muslim feminists in Indonesia</td>
</tr>
<tr>
<td>background, 225–7</td>
</tr>
<tr>
<td>concepts of feminism and gender, 241–6</td>
</tr>
<tr>
<td>reinterpretations of Islamic texts, 227–46</td>
</tr>
<tr>
<td>Muslihat (Indonesia), 213–14, 239</td>
</tr>
<tr>
<td>Mutua, Makau, 31, 36</td>
</tr>
<tr>
<td>Nahdlatul Ulama (NU) (Indonesia), 194, 212–22, 237, 239, 246–7</td>
</tr>
<tr>
<td>Nasyiatul 'Aisyiyah (Indonesia), 213</td>
</tr>
<tr>
<td>National Congress of Female Muslim Clerics (Indonesia), 1</td>
</tr>
<tr>
<td>National Human Rights Institutes (NHRIs), 95</td>
</tr>
<tr>
<td>the Netherlands, 275–6, 283, 291</td>
</tr>
<tr>
<td>New Zealand, 103</td>
</tr>
<tr>
<td>non-governmental organisations (NGOs), 118–19, 123, 134–5</td>
</tr>
<tr>
<td>non-state actors (NSAs), 114–63</td>
</tr>
<tr>
<td>and reproductive rights, 177–80</td>
</tr>
<tr>
<td>corporations, 119–20, 132, 150</td>
</tr>
<tr>
<td>in relation to social institutions, 117</td>
</tr>
<tr>
<td>media, 83–5, 134, 139</td>
</tr>
<tr>
<td>non-governmental organisations (NGOs), 118–19, 123, 134–5</td>
</tr>
<tr>
<td>obligations and responsibilities in declarations and instruments, 121–5, 284</td>
</tr>
<tr>
<td>private healthcare providers, 143–60</td>
</tr>
<tr>
<td>under treaties, 125–43</td>
</tr>
<tr>
<td>overview, 114–20</td>
</tr>
<tr>
<td>parents and families, 138–9</td>
</tr>
<tr>
<td>recognition by treaty bodies, 83–4, 102–5, 161–2, 259–63</td>
</tr>
<tr>
<td>Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights, 119–20</td>
</tr>
<tr>
<td>Nowak, Manfred, 147</td>
</tr>
<tr>
<td>NSAs, see non-state actors</td>
</tr>
<tr>
<td>NU, see Nahdlatul Ulama</td>
</tr>
<tr>
<td>Nurmila, Nina, 227–8, 230–1, 242, 244</td>
</tr>
<tr>
<td>Nyamu-Musembi, Celestine, 46, 48–9, 54, 56–7, 85, 236, 248</td>
</tr>
<tr>
<td>P3M, see Centre for the Development of Pesantren and Society</td>
</tr>
<tr>
<td>polygamy in Indonesia, 238–40, 254</td>
</tr>
<tr>
<td>Portugal, 104</td>
</tr>
<tr>
<td>poverty reduction, 58–61</td>
</tr>
<tr>
<td>privatisation and private sector providers, 143–60, 180</td>
</tr>
<tr>
<td>Rahima (Indonesia), 224, 234</td>
</tr>
<tr>
<td>ratification, 4, 64, 88</td>
</tr>
<tr>
<td>receptor approach (Zwart), 11–12, 44, 47–50</td>
</tr>
<tr>
<td>Renteln, Alison Dundes, 53</td>
</tr>
<tr>
<td>reproductive health and family planning, 164–267</td>
</tr>
<tr>
<td>impact of gendered decision-making, 191–2</td>
</tr>
<tr>
<td>in Indonesia</td>
</tr>
<tr>
<td>family planning programme, 182–90</td>
</tr>
</tbody>
</table>
INDEX

law and policy, 180–90
rationale for case study, 18–19, 165
role of Islam, 200–2, 215–25,
236–41, 246–61, 263–7
socio-cultural determinants, 190–205
rights under international law, 170–6
role of NSAs, 177–80
research methodology, 16
reservations, 18, 33
Rinaldo, Rachel, 17
Robinson, Mary, 27, 287
Rodley, Sir Nigel, 117, 124, 155, 158
Russia, 107
San Marino, 96
Seibert-Fohr, Anja, 95
Senegal, 49
sexual orientation and gender identity, 96, 100
Slovakia, 99, 105
Slovenia, 104–5, 107
social enterprises, 282
social institutions
definition and relation to NSAs,
14–15, 117, see also Islam and
Islamic law; non-state actors (NSAs)
South Africa, 11, 47, 50
State discretion, 5–6, 67–71, 89
State-centricity, 4, 120–1, 160
States, study recommendations, 287–8, 291
Statute of the International Court of
Justice, 120–1
Sudan, 102
Suriname, 95–6
Tajikistan, 101–3
Third World Approaches to
International Law (TWAIL), 29,
31–2
Timor-Leste, 104
Tomuschat, Christian, 110
treaty bodies
Concluding Observations, 94
general approach to NSAs, 160–2,
259–63, 284–5
Reporting Guidelines, 90–3
role in implementation, 88–93
study recommendations, 162, 289,
see also Committee on
Economic, Social and Cultural
Rights (ESCR Committee);
Committee on the Elimination
of All Forms of Discrimination
against Women (CEDAW Committee);
Committee on the
Elimination of Racial
Discrimination (CERD);
Committee on the Rights of the
Child (CRC Committee);
Human Rights Committee (HRCC)
Turkmenistan, 105
UDHR, see Universal Declaration of
Human Rights
ulama, 212, see also Indonesian Council
of Ulama (MUI)
United Arab Emirates, 104
United Nations Population Fund
(UNFPA), 261
United States, 25, 275, 282–3
Universal Declaration of Human Rights
(UDHR)
importance of, 21, 35–7
in relation to NSAs, 2, 121–3, 128, 160
right to health, 168, 178
universality and Western bias, 23–9,
35
universality, 23–37, 41, 43
vernacularisation, 51–3, 242, 273–4
Vienna Convention on the Law of
Treaties (VCLT), 69
Vienna Declaration, 36, 123
Wahid, Abdurrahman, 213
women
concepts of feminism and gender in
Islam, 241–6
female ulama, 231
representation in decision-making
positions, 98

© in this web service Cambridge University Press
www.cambridge.org
women (cont.)
violence against, 96–7, see also
Muslim feminists in Indonesia
women’s rights
inheritance rights and access to land, 51, 55
reproductive rights, see marriage;
reproductive health and family planning, see also Committee on the Elimination of All Forms of Discrimination against

Women; Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
workers’ rights, 131
World Conference on Human Rights, 36, 123
World Health Organization (WHO), 168
Zwart, Tom (receptor approach), 11–12, 44, 47–50