

Key

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International Human Rights Law Documents

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.

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International Human Rights Law Documents

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Editor's Preface

When I was first asked by Cambridge University Press to compile a 'documents book' on international human rights law, I was of the view that what was 'needed' was a comprehensive collection that reflected the historical development and breadth of the topic and that this would be of most use to researchers and students in the field alike. It soon became clear, however, that the commercial objectives of the publisher focused primarily on examination use for students and thus their view differed from mine as to 'what was needed' and the imposed constraints with regard to eventual size and price soon required me to substantially limit the scope of the envisaged project. Nevertheless, in light of the peer reviews commissioned by Cambridge University Press and what I felt warranted inclusion, the first manuscript I completed ran to over three quarters of a million words, significantly over twice the limit I was given. Thus hard and some regrettable choices had to be made. The parochial view of international human rights law as a 'law of peace time' had to prevail, and I was unable to include documents on international humanitarian law such as the 1949 Geneva Conventions and the Additional Protocols. Nor was I able to include many important documents which are broadly considered part of international criminal law and thus, for example, the Statute of the International Criminal Court, the ad-hoc tribunals and UN Mechanism for International Criminal Tribunals also had to be excluded. Other documents which are concerned with criminal activity and relate to, for example, trafficking I was able to retain. Equally regrettably, I had to exclude a series of documents which relate to 'international human rights law' as that term is more usually used in university module descriptors. I had hoped to include several older but important General Assembly resolutions, but they do not, from the feedback received at least, seem often to form part of the modern university curriculum and thus these also had to be excluded. I have, however, included a few such resolutions, the most recent being the 2014 General Assembly resolution relating to the reform of the UN Human Rights Treaty Bodies. This resolution is to be found accompanying the said treaties.

Having explained what had to be excluded, there is still all that has been included. I am firmly of the view that a collection of documents on 'international human rights law' needs to reflect the 'international', thus fully encompassing both universal systems and all the regional mechanisms. At the universal level, I sought to include all the major UN human rights treaties and their protocols, as well as the UN complaints mechanisms. I further sought to include Security Council resolutions where they directly relate to human rights issues, albeit only two resolutions made the final edit. I have also included the 'core' International Labour Organization (ILO) conventions as well as relevant extracts relating to documents which establish the World Bank and the International Monetary Fund (IMF). At the regional level, again a number of difficult choices had to be made. Some of the issue-specific treaties that have been adopted under the auspices of the Organization of American States or the African Union reflect important developments and I have thus sought

to include examples of each. In the context of the African Union, for instance, I have included the Kampala Convention on internally displaced persons. While such an example may not necessarily be representative of global trends, it does represent an important attempt at the regional level to deal with a pressing issue. In the documents included from regional systems, I have in particular sought to focus where possible on the general protection of civil and political rights and economic and social rights and then include some issue-specific treaties. It has of course not been possible to include many 'regional issue-specific treaties' but I hope the balance struck is an appropriate one.

I have also included a number of 'soft law' documents, such as the Siracusa Principles on the limitations and derogation provisions of the International Covenant on Civil and Political Rights (ICCPR) and the Maastricht Guidelines on Violations of Economic, Social and Cultural Rights. This is not to equate them to multi-lateral treaties but has been done with an eye to ease of reference and relevance, whether being used by a student in the examination hall or not.

I have sought to include some very basic reference details for each document such as date of adoption and, if applicable, treaty reference numbers and when the treaty entered into force. I have corrected any obvious mistakes I spotted in the official versions of documents, such as spelling errors, and in terms of formatting tried, as much as possible, to stay faithful to the formatting, indenting, capitalisation and so forth of the original version of the text. In terms of organisation, I have sought to organise documents by organisation (universal first and then regional in alphabetical order) and in chronological order, with any Protocols to a treaty, however, accompanying the treaty as opposed to being organised by date alone. Soft law instruments either accompany the treaties they relate to – the Siracusa Principles, for example, come after the ICCPR and its Protocols – or stand alone, for example, the 1981 Declaration on Religious Intolerance.

I am sure the balances I have sought to strike and approaches taken could have been done equally validly in other ways and any feedback will be gratefully received and taken account of in any subsequent editions.

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SECTION A

Global Documents

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