

# Human Rights Bibliography

This bibliography lists journal articles between September 1995 and July 1996 concerning human rights especially as they relate to developments in Australia and the Asia-Pacific region. It does not purport to be exhaustive and is intended as a guide only. The bibliography is divided into several subject areas and will be updated in further issues of the Journal.

## Bills of rights

Sohn LB "How American International Lawyers Prepared for the San Francisco Bill of Rights" (1995) 89 *American Journal of International Law* 540

## Children's Rights

Bunney L "The Status of Frozen Embryos" (1995) 9 *Australian Journal of Family Law* 121

Healy MA "Prosecuting Child Sex Tourists at Home: Do Laws in Sweden, Australia and the US Safeguard the Rights of Children as Mandated by International Law?" (1995) 18 *Fordham International Law Journal* 1852

Henry C "Abortion Retried" (1995) 20 *Alternative Law Journal* 239

Strong SI "Children's Rights in Intercountry Adoption: Towards a New Goal" (1995) 13 *Boston University International Law Journal* 163

Twomey A "Minister for Immigration and Ethnic Affairs v Teoh" (1995) 23 *Federal Law Review* 348

Walker K and Mathew P "Minister for Immigration v Ah Hin Teoh" (1995) 20 *Melbourne University Law Review* 236

## Criminal Justice

Dennis I "Instrumental Protection, Human Rights or Functional Necessity? Reassessing the Privilege against Self-incrimination" (1995) 54 *The Cambridge Law Journal* 342

Nash S and Furse M "Self-incrimination, Corporate Misconduct and the Convention on Human Rights" [1995] *The Criminal Law Review* 854

## Discrimination

Chapman A "Sexuality and Workplace Oppression" (1995) 20 *Melbourne University Law Review* 311

Hunyor J "School Bullies and Lessons in Anti-Discrimination Law: Sinnapan & Anor v State of Victoria" (1996) 18 *Sydney Law Review* 97

Townsend-Smith R "Justifying Indirect Discrimination in English and American Law: How Stringent Should the Test Be?" (1995) 1 *International Journal of Discrimination and the Law* 101

### **Environment and Human Rights**

- Cullet P "Definition of an Environmental Right in a Human Right Context" (1995) 13 *Netherlands Quarterly Human Rights* 25  
 Lee L "Population: the Human Rights Approach" (1995) 6 *Colorado Journal of International Environmental Law and Policy* 245

### **European Convention on Human Rights**

- Johnson N "The Breadth of Family Law Review under the European Convention on Human Rights — *Kroorn v The Netherlands*" (1995) 36 *Harvard International Law Journal* 513  
 Jones TH "The Devaluation of Human Rights under the European Convention" [1995] *Public Law* 430

### **The Family and Human Rights**

- Nhlapo T "Cultural Diversity, Human Rights and the Family in Contemporary Africa: Lessons from the South African Constitutional Debate" (1995) 9 *International Journal of Law and the Family* 208  
 Shanner L "The Right to Procreate: When Rights Claims have Gone Wrong" (1995) 40 *McGill Law Journal* 823  
 Van Bueren G "The International Protection of Family Member Rights as the 21st Century Approaches" (1995) 17 *Human Rights Quarterly* 732

### **Freedom of Expression**

- Carney G "The Implied Freedom of Political Discussion — Its Impact on State Constitutions" (1995) 23 *Federal Law Review* 180  
 Chesterman M "'Free Speech and the Law': A Commentary" (1995) 13 *Australian Bar Review* 220  
 Flahvin A "Can Legislation Prohibiting Hate Speech be Justified in Light of Free Speech Principles?" (1995) 18 *University of New South Wales Law Journal* 327  
 Leopold PM "Free Speech in Parliament and the Courts" (1995) 15 *Legal Studies* 204  
 Mayer-Schonberger V and Foster TE "More Speech, Less Noise: Amplifying Content-Based Speech Regulations Through Binding International Law" (1995) 18 *Boston College International and Comparative Law Review* 59  
 McNamara L "Confronting the Reality of Hate Speech" (1995) 20 *Alternative Law Journal* 231  
 Paton-Simpson E "Human Interests: Privacy and Free Speech in the Balance" (1995) 16 *New Zealand Universities Law Review* 225  
 Rares SD "Free Speech and the Law" (1995) 13 *Australian Bar Review* 209  
 Shiner RA "Advertising and Freedom of Expression" (1995) 45 *University of Toronto Law Journal* 179

---

### General Human Rights

Devereux A "Should 'Duties' Play a Larger Role in Human Rights? A Critique of Western Liberal and African Human Rights Jurisprudence" (1995) 18 *University of New South Wales Law Journal* 464

Rosenthal AJ "Professor Louis Henkin and Human Rights" (1995) 26 *Columbia Human Rights Law Review* 549

van Boven T "Human Rights and Rights of People" (1995) 6 *European Journal of International Law* 461

### Genocide

Dickard DB "Security Council Resolution 808: a Step Toward a Permanent International Court for the Prosecution of International Crimes and Human Rights Violations" (1995) 25 *Golden Gate University Law Review* 435

### Human Rights in Australia

Mathew P "International Law and the Protection of Human Rights in Australia: Recent Trends" (1995) 17 *Sydney Law Review* 177

Henderson E "Trials, Tribunals and Tribulations: Brandy v HREOC" (1995) 17 *Sydney Law Review* 581

### Human Rights in England

Addo MK "The Role of English Courts in the Determination of the Place of the European Convention on Human Rights on English Law" (1995) 46 *Northern Ireland Law Quarterly* 1

Allen MJ and Coope S "Howard's Way — a Farewell to Freedom?" (1995) 58 *Modern Law Review* 364

Lester A "Taking Human Rights Seriously" (1994-5) 5 *The King's College Law Journal* 1

Marks S "Civil Liberties and the Margin: the United Kingdom Derogation and the European Court of Human Rights" (1995) 15 *Oxford Journal of Legal Studies* 69

Sedley S "Human Rights: a Twenty-First Agenda" [1995] *Public Law* 386

### Human Rights in the European Community

Bernard N "Discrimination and Free Movement in European Community Law" (1996) 45 *International and Comparative Law Quarterly* 82

Peers S "Towards Equality: Actual and Potential Rights of Third Country Nationals in the European Union" (1996) 33 *Common Market Law Review* 7

### Indigenous Peoples' Rights

Bartlett RH "The High Court of Australia Upholds the Federal Native Title Act and Rejects Raust? State Legislation" [1995] 2 *Canadian Native Title Law Report* 47

Bartlett RH "Native Title: From Pragmatism to Equality Before the Law" (1995) 20 *Melbourne University Law Review* 282

Brolmann CM and Zieck MYA "Some Remarks on the Draft Declaration on the Rights of Indigenous Peoples" (1995) 8 *Leiden Journal of International Law* 103

- Cohen CP "International Protection of the Rights of the Indigenous Child" (1995) 7 *St Thomas Law Review* 557
- Coulter RT "The Draft UN Declaration on the Rights of Indigenous Peoples: What is it? What does it mean?" (1995) 2 *Netherlands Quarterly Human Rights* 123
- Daes EIA "Equality of Indigenous Peoples under the Auspices of the United Nations: Draft Declaration on the Rights of Indigenous Peoples" (1995) 7 *St Thomas Law Review* 493
- Frost LE "Human Rights Education Programs for Indigenous Peoples: Teaching Whose Human Rights?" (1995) 7 *St Thomas Law Review* 699
- Hutchins PW, Hilling C and Schulze D "The Aboriginal Right to Self-Government and the Canadian Constitution: The Ghost in the Machine" (1995) 29 *University of British Columbia Law Review* 251
- Kavanagh R "Oil in Troubled Waters: The International Court of Justice and East Timor: Case Concerning East Timor (Australia v Portugal)" (1996) 18 *Sydney Law Review* 87
- Nunes KD "'We Can Do Better': Rights of Indigenous Peoples and the UN Draft Declaration on the Rights of Indigenous Peoples" (1995) 7 *St Thomas Law Review* 521
- Ritter D "The 'Rejection of Terra Nullius' in Mabo: A Critical Analysis" (1996) 18 *Sydney Law Review* 5
- Tucker L "Beneficial Legislation Meets Judicial Discretion and Leaves Land Rights on Shaky Ground" (1996) 3 *Australian Journal of Administrative Law* 164

### **International Humanitarian Law and Human Rights**

- Fielding LE "Taking the Next Step in the Development of Human Rights: the Emerging Right of Humanitarian Assistance to Restore Democracy" (1995) 5 *Duke Journal of Comparative and International Law* 329
- Goble PA "Defending Borders and Defending Human Rights in the Post-Cold War Environment" (1995) 18 *Fordham International Law Journal* 1679
- Gross O "The Grave Breaches System and the Armed Conflict in the Former Yugoslavia" (1995) 16 *Michigan Journal of International Law* 783
- O'Neill WG "Human Rights Monitoring vs Political Expediency: the Experience of the OAS/UN Mission in Haiti" (1995) 8 *Harvard Human Rights Journal* 101

### **International Human Rights**

- Afran NH "International Human Rights Law in the 21st Century: Effective Municipal Implementation or Paean to Platitudes" (1995) 18 *Fordham International Law Journal* 1756
- Castermans-Holleman MC "The Protection of Economic, Social and Cultural Rights within the UN Framework" (1995) 42 *Netherlands International Law Review* 353
- Chapman AR "A 'Violations Approach' for Monitoring the International Covenant on Economic, Social and Cultural Rights" (1996) 18 *Human Rights Quarterly* 23
- Harrison D "Domestic Enforcement of International Human Rights in the Courts of Law: Some Recent Developments" [1995] *The New Zealand Law Journal* 256

- Leszczynski L "International Standards of Human Rights in Polish Constitutional Regulations and Practice" (1995) 29 *The International Lawyer* 685
- Mutharika AP "The Role of International Law in the 21st Century: an African Perspective" (1995) 18 *Fordham International Law Journal* 1796
- van Dijk P "A Common Standard of Achievement. About Universal Validity and Uniform Interpretation of International Human Rights Norms" (1995) 46 *Netherlands Quarterly of Human Rights* 105

### **Lesbian and Gay Rights**

- Kallen E "Gay and Lesbian Rights Issues: A Comparative Analysis of Sydney, Australia and Toronto, Canada" (1996) 18 *Human Rights Quarterly* 206
- Morgan W and Walker K "Tolerance and Homosexuality: A Policy of Control and Containment" (1995) 20 *Melbourne University Law Review* 202
- Sanders D "Getting Lesbian and Gay Rights on the International Human Rights Agenda" (1996) 18 *Human Rights Quarterly* 67

### **Medicine and Human Rights**

- Goodman R "The Incorporation of International Human Rights Standards into Sexual Orientation Asylum Claims: Cases on Involuntary 'Medical' Intervention" (1995) 105 *Yale Law Journal* 255

### **Minority Rights**

- Gilbert G "The Council of Europe and Minority Rights" (1996) 18 *Human Rights Quarterly* 160
- Wright J "The OSCE and the Protection of Minority Rights" (1996) 18 *Human Rights Quarterly* 190

### **Racism**

- Akineemana S and Dusseldorp T "Race Discrimination" (1995) 20 *Alternative Law Journal* 207
- Bonner E "Nationalism, Ethnic Strife and Human Rights (Russia)" (1995) 28 *John Marshall Law Review* 769
- Szasz PC "Protecting Human Rights and Minority Rights in Bosnia: A Documentary Survey of International Proposals" (1995) 25 *California West International Law Journal* 237

### **Refugees**

- Mutua MW "The Interaction Between Human Rights, Democracy and Governance and the Displacement of Populations" (1995) 7 *Special Issue International Journal of Refugee Law* 37
- Rosenfeld J "Deportation Proceedings and Due Process of Law" (1995) 26 *Columbia Human Rights Law Review* 713
- Tran Y "The Closing of the Saga of the Vietnamese Asylum Seekers: the Implications on International Refugees and Human Rights Laws" (1995) 17 *Houston Journal of International Law* 463

## Religion and Human Rights

Bielefeldt H "Muslim Voice in the Human Rights Debate" (1995) 17 *Human Rights Quarterly* 587

Horwitz P "The Sources and Limits of Freedom of Religion in a Liberal Democracy: Section 2(a) and Beyond" (1996) 54 *University of Toronto Faculty of Law Review* 1

## Women's Rights

DeFeis EF "Women's Human Rights: the 21st Century" (1995) 18 *Fordham International Law Journal* 1748

Etienne M "Addressing Gender-Based Violence in an International Context" (1995) 18 *Harvard Women's Law Journal* 139

Ewing AP "Establishing State Responsibility for Private Acts of Violence Against Women Under the American Convention on Human Rights" (1995) 26 *Columbia Human Rights Law Review* 751

Lai SY and Ralph RE "Female Sexual Autonomy and Human Rights" (1995) 8 *Harvard Human Rights Journal* 277

Lewis H "Between Irua and 'Female Genital Mutilation': Feminist Human Rights Discourse and the Cultural Divide" (1995) 8 *Harvard Human Rights Journal* 1

Mathangani M "Women's Rights in Kenya: a Review of Government Policy" (1995) 8 *Harvard Human Rights Journal* 179

Niarchos CN "Women, War and Rape: Challenges Facing the International Tribunal for the Former Yugoslavia" (1995) 17 *Human Rights Quarterly* 649

Oloka-Onyango J and Tamale S " 'The Personal is Political', or Why Women's Rights are Indeed Human Rights: An African Perspective on International Feminism" (1995) 17 *Human Rights Quarterly* 691

Sayeh LP and Morse AM "Islam and the Treatment of Women: An Incomplete Understanding of Gradualism" (1995) 30 *Texas International Law Journal* 311

## United Nations

Bockle H "Western States, the UN Commission on Human Rights and the '1235 Procedure': the 'Question of Bias' Revisited" (1995) 13 *Netherlands Quarterly Human Rights* 367

Boerfijn I "Towards a Strong System of Supervision: The Human Rights Committee's Role in Reforming the Reporting Procedure under Article 40 of the Covenant on Civil and Political Rights" (1995) 17 *Human Rights Quarterly* 76

Brody R "The United Nations and Human Rights in El Salvador's 'Negotiated Revolution'" (1995) 8 *Harvard Human Rights Journal* 153

Evans G "Future Directions of the United Nations" (1995) 20 *Melbourne University Law Review* 172

Joseph S "New Procedures Concerning the Human Rights Committee's Examination of State Reports" (1995) 13 *Netherlands Quarterly Human Rights* 5

Southard JL "Human Rights in the UN Charter: the History in US Courts" (1995) 1 *ILSA Journal of International and Comparative Law* 41