

Human Rights: Reading List

Introductory/Generally

- Clapham, *Human Rights: A Very Short Introduction*, 2nd edition (2015: OUP: Oxford)
- W.A. Edmundson, *An Introduction to Rights* (2012: Cambridge: CUP)
- M. Freeman, *Human Rights*, 4th edition (2022: Polity Press: Cambridge)
- L. Hunt, *Inventing Human Rights: A History* (2008: W.W. Norton & Co)

Development of Human Rights

(i) Books

- T. Hobbes, *The Leviathan* (1660), <http://oregonstate.edu/instruct/phl302/texts/hobbes/leviathan-contents.html>
- J. Locke (1689) *Two Treatises of Government* (1970:CUP: Cambridge), available online at: <http://www.efm.bris.ac.uk/het/locke/government.pdf>
- I. Kant (1785) *Groundwork for the Metaphysics of Morals*, available at: <http://www.earlymoderntexts.com/kgw.html>
- T. Paine *The Rights of Man* (1791), <http://www.ushistory.org/paine/rights/index.htm>
- J. Bentham, “Anarchical Fallacies”, in *Selected Writings on Utilitarianism* (2001: Wordsworth Classics: London), 404-405. Available online at: http://oll.libertyfund.org/?option=com_staticxt&staticfile=show.php%3Ftitle=1921&chapter=114226&layout=html&Itemid=27
- R. Dworkin, *Taking Rights Seriously* (1978: Duckworth: London)
- A. Macintyre, *After Virtue: a study in moral theory*, 2nd edition (1985: Duckworth: London)
- G.J. Annas and M.J. Grodin, *The Nazi Doctors and the Nuremberg Code: Human Rights in Human Experimentation* (1992, Oxford: Oxford University Press)

(ii) Human Rights Documents

- Magna Carta (1215) A translation may be accessed here: http://www.bl.uk/treasures/magnacarta/translation/mc_trans.html
- American Declaration of Independence (1776) http://www.archives.gov/exhibits/charters/declaration_transcript.html
- French Declaration of Rights 1789
A translation may be accessed here: http://avalon.law.yale.edu/18th_century/rightsof.asp
- United Nations, The Universal Declaration of Human Rights (1948) <http://www.un.org/en/documents/udhr/index.shtml>
- Council of Europe, Convention for the Protection of Human Rights and Fundamental Freedoms (1950 – amended subsequently by protocols) <http://conventions.coe.int/treaty/en/treaties/html/005.htm>
- Human Rights Act 1998, <http://www.legislation.gov.uk/ukpga/1998/42/contents>

- Nuremberg Code 1948, <http://www.hhs.gov/ohrp/archive/nurcode.html>
- World Medical Association (WMA), Declaration of Helsinki – Ethical Principles for Medical Research Involving Human Subjects, <http://www.wma.net/en/30publications/10policies/b3/> (Adopted at the 18th WMA General Assembly, Helsinki, 1964 and amended on a number of occasions since then, most recently at the 59th WMA General Assembly, Seoul, 2008.
- Council of Europe, Convention on Human Rights and Biomedicine (1997) <http://conventions.coe.int/Treaty/en/Treaties/Html/164.htm>
- Council for International Organizations of Medical Sciences, International Ethical Guidelines for Biomedical Research Involving Human Subjects (2002) http://www.cioms.ch/publications/layout_guide2002.pdf
- UNESCO, Universal Declaration on Bioethics and Human Rights (2005) <http://www.unesco.org/new/en/social-and-human-sciences/themes/bioethics/bioethics-and-human-rights/>
- UN Convention on The Rights of Persons With Disabilities (CRPD), <http://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>

Human Dignity

- R. Ashcroft, “Making Sense of dignity” (2005) 31 *Journal of Medical Ethics* 679
- M. Bagaric and J. Allen, “The Vacuous Concept of Dignity” (2006) 5 *Journal of Human Rights* 257
- D. Beylveld and R. Brownsword, *Human Dignity in Bioethics and Biolaw* (2001: OUP: Oxford)
- C. Foster, *Human Dignity in Bioethics and Law* (2011: Hart: Oxford)
- A. Gallagher, “Dignity and respect for dignity- two key health professional values: implications for nursing practice” (2004) 11 *Nursing Ethics* 587
- M. Häyry, “Another Look at Dignity” (2004) 13 *Cambridge Quarterly of Healthcare Ethics* 7
- L.R. Kass, *Life, Liberty and the Defense of Dignity* (2002: Encounter Books: San Fransisco)
- R. Macklin, “Dignity is a useless concept” (2003) 327 *BMJ* 1419
- M. Nussbaum, *Creating Capabilities: The Human Development Approach* (2011: Belknap: Harvard)
- S. Riley, *Human Dignity and Law: Legal and Philosophical Investigations* (2018: Routledge, London)

Human Rights and Bioethics

- R. Ashcroft, “Could Human Rights Supersede Bioethics?” [2010] 10(4) *Human Rights Law Review* 639-660
- G.J. Annas and W.K. Mariner, “(Public) Health and Human Rights in Practice” (2016) 41 *Journal of Health Politics, Policy and Law* 129-139.
- J. Brännmark, “Respect for Persons in Bioethics: Towards a Human Rights-Based Account” (2017) 18 *Human Rights Review* 171-187 (open access article, available at: <https://link.springer.com/article/10.1007/s12142-017-0450-x>).
- T.A. Faunce, “Will international human rights subsume medical ethics? Intersections in the UNESCO Universal Bioethics Declaration” (2005) 31 *Journal of Medical Ethics* 173-178

- L.P. Knowles, ‘The Lingua Franca of Human Rights and the Rise of a Global Bioethic’, (2001) 10 *Cambridge Quarterly of Healthcare Ethics* 253-263.
- S.A.M. Mclean, “Human Rights and Bioethics”, <http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/SHS/pdf/Bioethics-Human-Rights-McLean.pdf> .
- T.M. Pope, T.M., ‘Reuniting Human Rights and Bioethics to Address Medical Futility and End-of-Life Treatment’, available at http://www.thaddeuspope.com/images/Pope_abstract_for_NYC_AALS.pdf.
- D, Shroeder, “Doctors and Human Rights”, in R.E. Ashcroft, A. Dawson, H. Draper and J.R. McMillan (eds.) *Principles of Health Care Ethics*, 2nd edition (2007, Chichester, John Wiley & Sons Ltd).
- D.C. Thomasma, ‘Proposing a New Agenda: Bioethics and International Human Rights’, (2001) 10 *Cambridge Quarterly of Healthcare Ethics* (2001), 299-310.

Law and Human Rights

(i) Human Rights and the Law

- J. Wadham, H. Mountfield, E. Prochaska and R. Desai, *Blackstone’s Guide to the Human Rights Act 1998*, 7th edition (2015, Oxford, Oxford University Press)
- E. Wicks, *Human Rights and Healthcare* (2007, Oxford, Hart Publishing)
- B. McSherry and P. Weller, *Rethinking Rights-Based Mental Health Laws* (2010: Hart: Oxford)
- R. Adorno, “The invaluable role of soft law in the development of international norms in bioethics” (2007) <http://www.unesco.de/wissenschaft/bis-2009/invaluable-role-of-soft-law.html> .
- ECtHR, Report: *Health-related issues in the case-law of the European Court of Human Rights* (2015): http://www.echr.coe.int/Documents/Research_report_health.pdf
- ECtHR, Factsheet, *Health*: http://www.echr.coe.int/Documents/FS_Health_ENG.pdf

(ii) Some ‘selected ‘medical’ cases involving ECHR issues

- *Vo v France* [2004] 2 FCR 577, available at: [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-61887#{"itemid":\["001-61887"\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-61887#{)
- *Pretty v Director of Public Prosecutions and Home Secretary* [2001] 3 WLR 1598; [2002] 1 All ER 1 HL , <http://www.publications.parliament.uk/pa/ld200102/ldjudgmt/jd011129/pretty-1.htm>
- *Pretty v United Kingdom* [2002] 35 EHRR 1, available at: <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-61887>
- *R (On the Application of Oliver Leslie Burke) v General Medical Council* CA [2005] EWCA Civ 1003, <http://www.bailii.org/ew/cases/EWCA/Civ/2005/1003.html>
- *Herczegfalvy v Austria* (1992) 15 EHRR 437, available at: <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-61887>
- *Winterwerp v Netherlands* (1996) 22 EHRR 533, available at: <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-57597>
- *HL v United Kingdom* (2004) 40 EHRR 761, available at: <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-66757>

- *Evans v United Kingdom* (2008) 46 EHRR 34, available at: <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-80046>
- *Tysiac v Poland* (2007) 22 BHRC 155
<http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-79812>
- *R (Nicklinson) v Ministry of Justice* [2014] UKCS 38, available at: www.supremecourt.uk/decided-cases/docs/UKSC_2013_0235_Judgment.pdf
- *Chester v Afshar* [2004] UKHL 41, available at: <http://www.bailii.org/uk/cases/UKHL/2004/41.html>
- *Montgomery v Lanarkshire Health Board* [2015] UKSC 11, available at: https://www.supremecourt.uk/decided-cases/docs/uksc_2013_0136_judgment.pdf
- *Crowter v. Secretary of State for Health and Social Care* : [2021] EWHC 2536 (Admin), available at: <https://www.judiciary.uk/wp-content/uploads/2021/09/Crowter-v-SSHSC-judgment-230921.pdf>