CULTURAL DIFFERENCE AND ECONOMIC DISADVANTAGE IN REGIONAL HUMAN RIGHTS COURTS

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An Integrated View

Valeska David

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For Ander and Amanda

FOREWORD

Eva Brems

I had the pleasure of witnessing the genesis of this book, which is based on the author's Ph.D. thesis, written at Ghent University in the context of a broader research project on 'human rights integration'. Valeska David joined the team relatively late, as a result of which she had only three years to complete her doctoral work, instead of the four years that are common in Belgian law faculties. Many people in these circumstances would opt for a simple research design to maximize feasibility. While that may be a sensible thing to do, it does not match everybody's personality though. This researcher did not want external circumstances to interfere with her scholarly aspirations. And these were ambitious. She did not choose to focus on one supranational human rights jurisdiction, but rather opted for studying the two most important regional courts. Neither did she want to zoom in on one type of human rights violation, or to conduct her analysis from a single theoretical angle. This resulted in a very challenging research project, that Valeska was able to complete successfully thanks to her talent and dedication, as well as her versatile and creative intelligence.

1. HUMAN RIGHTS INTEGRATION FROM A RIGHTS HOLDERS' PERSPECTIVE

The project 'The Global Challenge of Human Rights Integration: Towards a Users' Perspective' (2012–2017), was sponsored as an Inter-University Attraction Pole (IAP) by the Belgian Science Policy Office (BELSPO). Research teams at five Belgian universities (Ghent University, Antwerp University, Vrije Universiteit Brussel, Université Libre de Bruxelles, and Université Saint Louis Bruxelles), as well as at Utrecht University in the Netherlands, collaborated in 'the study of human rights law as an integrated whole from a users' perspective'. The starting point of the research was the finding that both rights holders and duty bearers under human rights norms are confronted simultaneously with a multitude of human rights provisions differing as to their scope, focus, legal force and level of governance. This non-hierarchical accumulation of

human rights provisions has resulted in a complex and uncoordinated legal architecture that may in some circumstances create obstacles for effective human rights protection. Valeska David's book can be seen as a keystone of this project, as it contributes to several of its central dimensions, and brings these to a higher level.

One of the objectives of the project was to develop theories describing and explaining the multi-layered nature of human rights law. These include legal pluralism[1] and network theory.[2] In addition, a few steps were made toward a pragmatic theory that would promote increased human rights integration in a manner that optimizes its benefits while avoiding potential pitfalls.[3] In her book, Valeska David provides an impressive and nuanced theoretical basis for a normative project of human rights integration, geared towards the combined consideration of cultural diversity and socio-economic inequality. Her herculean mixing and matching of theoretical concepts and frames points to the need for integration at the deeper level of theory as a necessary complement to human rights integration in judicial practice.

Another objective of the 'human rights integration' project was the building of bridges between layers of human rights law. This regards ways in which an integrated view of human rights may be envisaged, both as a project of normative development and as a matter of current procedural practice.[4] An attractive project in this regard concerned the 'rewriting' of supranational human rights decisions 'as if human rights law were one'.[5] This book project intended to show that even within the current fragmented landscape of international human rights law, it is possible to 'integrate' human rights to a significantly higher degree than is generally the case. To that end, it introduces concrete and innovative proposals for an integrated approach to supranational

1 Barbara Oomen, 'The application of socio-legal theories of legal pluralism to understanding the implementation and integration of human rights law,' *European Journal of Human Rights Law/Journal européen des droits de l'homme*, 2014(4), 471.

2 Antoine Bailleux, 'Human Rights in Network', *European Journal of Human Rights Law/Journal européen des droits de l'homme*, 2014(3), 293.

3 Eva Brems, 'Should Pluriform Human Rights Become One ? Exploring the Benefits of Human Rights Integration', *European Journal of Human Rights/Journal européen des droits de l'homme*, 2014(4), 447; Eva Brems, 'Smart Human Rights Integration', in Eva Brems and Saïla Ouald Chaib (eds.), *Fragmentation and Integration in Human Rights Law: Users' Perspectives*, Edward Elgar Publishing 2018, 165.

4 See for example, the work of Dorothea Staes on the practice of the European Court of Human Rights of referring to 'sources' outside the European Convention on Human Rights, including to the case law of other bodies: 'When the European Court of Human Rights refers to external instruments. Mapping and justifications', Ph.D. thesis ULB, 2017. See also the work of Marijke De Pauw on a holistic interpretation of the rights of the elderly: 'International Human Rights Law: Between Fragmentation and Coordination – A case study on the emerging rights of older persons', Ph.D. thesis VUB- Université Saint Louis, 2017.

5 Eva Brems and Ellen Desmet, *Integrated human rights in practice, Rewriting human rights decisions*, Edward Elgar, 2017, p. 539.

human rights justice by redrafting crucial passages of landmark human rights judgments and decisions. In addition to the rewriting exercise, authors have outlined the methodology and/or theoretical framework that guided their approaches and explained how human rights monitoring bodies may adopt an integrated approach to human rights law. In that book, Valeska David contributed a chapter on an integrated approach to the rights of women and children in poverty.[6] 'Building bridges between layers of human rights law' can be a technical, even somewhat formal exercise, when it is focused on referencing relevant provisions and case law from across the international human rights landscape. Yet it is most meaningful when it is the expression of an integrated vision of the human rights issues that are at stake. Such a vision is precisely what Valeska David is building in the present book, as she analyzes case law through a rich theoretical prism.

The last feature of the 'human rights integration' project that I want to highlight here, is its focus on the perspectives of the 'users' of human rights law, i.e. the different actors that make human rights law.[7] When translated into a research agenda, this generally leads to field research involving methods such as interviews and observations with these actors.[8] These are of course very important, but are not possible or desirable for every legal research project. In the present book, Valeska David offers a method to put arguably the most important 'user' or actor of human rights law – the rights holder – at the center, in a desk-based research design. This in itself is a highly valuable contribution to human rights scholarship.

2. A TRIPLE FEAT OF COMPREHENSIVENESS

The preface and introduction to the present book explain its relationship to the phenomenon of fragmentation in international human rights law. This fragmentation is largely the result of specialization and of a drive toward tailoring rights protection to the realities on the ground. As such it is a necessary and valuable development, which is moreover far from completed. Indeed, justified calls continue to be made for new human rights instruments addressing violations vis-à-vis specific groups and/or new types of

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[6] Valeska David, 'Caring, rescuing or punishing? Rewriting RMS v Spain (ECtHR) from an integrated approach to the rights of women and children in poverty', in Eva Brems and Ellen Desmet, *Integrated human rights in practice, Rewriting human rights decisions*, Edward Elgar, 2017, p. 147.

[7] Ellen Desmet, 'Analysing users' trajectories in human rights: a conceptual exploration and research agenda', *Human Rights & International Legal Discourse*, 2014, vol. 8, no. 2, 121.

[8] E.g. Moritz Baumgärtel, *Demanding Rights. Europe's Supranational Courts and the Dilemma of Migrant Vulnerability*, Cambridge University Press, 2019.

human rights violations. At the same time, it is necessary, at this point in the development of international human rights law, to engender awareness of the potential pitfalls of fragmentation, and of the benefits of an integrative approach.

What I wish to point out in this section is that there has been a parallel development in human rights law scholarship. As an academic discipline, human rights law has in most institutions been recognized only since the last two decades of the twentieth century as separate from public international law or constitutional law. Even then, only few scholars used to identify themselves as exclusively focusing on human rights law. These numbers have grown fast, as human rights law courses were increasingly integrated in law school curricula, and research centers specializing in human rights law spread. Around the turn of the century, it was self-evident, at least in the context in which I operate, that a 'human rights law scholar' would attempt to follow up all developments in international human rights law, both regionally and at the UN level, in addition to developments in domestic law. Since then, the discipline has matured and witnessed both growth and increasing specialization. Given the proliferation of human rights norms, and the extensive output of some supranational human rights monitoring bodies, it is arguably not even possible today for a single scholar to be an expert in all aspects of international human rights law. Specialization of scholarship is therefore a logical and necessary development. Yet at the same time, it arguably becomes even more important that there should also be vibrant scholarly debates on transversal and overarching topics of human rights law. We need to know where we stand in the overall project of human rights law. We need to understand how different layers of human rights law interact, and how manifestations of injustice relate to the norms and procedures of human rights law in complex and imperfect ways. And we need to reflect on how the theoretical insights regarding specific types of injustice can be combined and translated into legal concepts and tools. In studying the trees, we should not forget to see the forest – or, for that matter, the complete ecosystem. This is challenging as, compared to single-issue scholarship, this requires the study of more institutions, more cases, more theories … and, in addition, it requires some courage, as in a broad research project, the impossibility of exhaustive knowledge renders the researcher vulnerable. This is why I applaud Valeska David in her choice of topic and research design. In this book, 'more is more', and complexity is of the essence. Her work is a triple feat of comprehensiveness.

First, there is of course the combination of a study of the case law of the European Court of Human Rights and that of the Inter-American Court of Human Rights. Despite similar institutional set-ups and human rights catalogues, these courts have developed quite different styles of argumentation. Part of the explanation for these differences lies most likely in the different contexts in which they operate, resulting amongst others in different types of

cases and different stakeholder expectations, as well as different perceptions within the institutions themselves about the appropriate role of a regional human rights court. Part of the differences may be deliberate, and part may be accidental. The study of both courts within the same research design allows a focus on common challenges, and offers a richer resource for reflection on how to overcome these than single-court studies can. For scholars, a multiple-body study facilitates insights into the role of various context-dependent factors in legal human rights reasoning. For actors working with and within these bodies, such a study opens doors to alternative ways of reasoning, and to critical reflection on explicit or implicit choices in judicial practice.

Even more important is the substantive focus of the present book on a holistic view of human rights, that encompasses both issues of cultural diversity and challenges of socio-economic inequality. In rights scholarship, two 'integrative' or holistic concepts have received quite some attention. One is the indivisibility of human rights, a concept that is mobilized in international human rights law, chiefly to emphasize the need for joint consideration of economic and social rights with civil and political rights. The other is intersectionality, a concept in diversity studies, that is used chiefly to theorize the impact of intersections among identity traits that may give rise to discrimination and marginalization. In the context of human rights law, what indivisibility and intersectionality have in common is their pointing toward the need to be able to approach analytical legal categories in a flexible manner, in order to be able to comprehensively address real-life injustice. Yet the need to refine and integrate our insights into the realities of human rights violations and our approaches to remedy them, is much bigger than the scope of either intersectionality or indivisibility. In the present book, Valeska David thoroughly explores another context that calls for an integrated approach. While she provides profound theoretical backing for the specific combination of challenges regarding cultural diversity and socio-economic inequality, she also situates her findings in the broader project of striving for a legal framework that can do the best possible justice to all salient dimensions of human rights violations.

The third feat of comprehensiveness that Valeska David realizes in this book is the impressive combination of theoretical concepts and frameworks. Of course, it is perfectly acceptable for a scholar to choose a single theoretical framework to work with. Yet the effort Valeska put into engaging with multiple theories creates clear added value within her overall project of 'integration', as it offers anchor points for scholars who are familiar with different theoretical concepts. In addition, it contributes to facilitating conversations across theoretical silos.

In my opinion, both the research design and the analyses and insights presented in this book can offer a lot of inspiration, to both practitioners and scholars of human rights law.

PREFACE

Several considerations have led this author to analyse the supranational adjudication of claims concerning cultural and economic difference. These are claims that basically seek protection against social devaluation, disadvantage or exclusion on account of the applicants' cultural and economic particularities (hereinafter also referred to as cases of cultural and economic 'disadvantage', or cultural and economic 'diversity'). The first reason to examine these cases relates to the specific challenges they bring to human rights courts. Three main challenges are worth highlighting here. The first one has to do with the fact that cultural and economic criteria are usually accepted as rational, pertinent and legitimate grounds for social organisation. For example, in most areas of regulation (whether public or private), it appears quite reasonable to establish restrictions or duties regarding dress, hairstyle, language and cultural knowledge. The same holds for the observance of economic requirements such as payment of fees, being employed and having a certain income. The practical implication of assuming the legitimacy of all this is that rights claimants may have a hard time in demonstrating the injustice of norms and practices that rely on those cultural and economic criteria. Judges may actually be inclined to uphold them or to view them as harmless. This problem can be summed up as 'acute normalisation'. By this it is meant that cultural and economic differences and importantly, the set of privileges and disadvantages that accompany them, are internalised, accepted or otherwise presumed normal in a particularly acute way. Compared to other grounds of difference (e.g. gender, sex, race or nationality), the question may be seen as one of degree. While framing a claim as disadvantage based on gender, sex or race difference triggers some alarms, framing it as based on cultural or economic factors does not.

In the second place, questions of cultural and economic difference are often seen as something either too complex or too sensitive to be tackled by human rights courts. One line of argumentation emphasises that cultural and economic disadvantages are closely linked to complex structural, social and institutional issues. Complaints touching upon these issues should thus preferably be dealt with by means other than by seeking state liability in court, let alone in international courts. From another perspective, cultural and economic differences may be, respectively, an expression of deeply felt sentiments and traditions or particular histories and struggles. International courts should thus be careful about intruding into these areas, as they would be ill-placed

and equipped to address such complex and sensitive matters. What usually follows from this is restraint or lenient reviews on the part of the judges examining claims of cultural and economic disadvantage. This second challenge can be described as an issue of 'restraint'.

In the third place, one may argue that complaints of cultural difference and economic disadvantage are so variable and changeable that they may take the law too far, requiring never-ending flexibility or even transformation of existing standards. Cultural and economic conditions vary from place to place and may imply different things for different people. Cultural and economic issues are actually typical sites of divergence among and across states, communities and individuals. Nearly everyone could claim any kind of right on the basis of cultural and economic circumstances. Yet, courts and human rights law could not be expected to be attentive to everyone's particularities, preferences or needs. Judges and other stakeholders may furthermore want to reduce divergent interpretations and solutions, for the sake of coherence and certainty. How many special or new rights can be granted; how many exceptions to the rule are allowed and whose cultural and economic claims are accommodated? These difficulties can be named as a question of 'limits.'

One might argue that issues of normalisation, restraint and limits are not exclusive of cultural and economic claims, as they would also manifest in the handling of other types of case involving issues of difference and inclusion. This is a fair point. But from the perspective of the people who see their rights or social inclusion compromised for cultural and/or economic reasons, those issues are significant challenges in their quest for redress. Also for judges, the simultaneous confluence of issues of acute normalisation, restraint and limits in a single case certainly adds pressure to their task. In understanding the challenges described above, it is also relevant to bear in mind that the field of cultural and economic rights is one of the least elaborated areas of human rights law, not least owing to their relatively recent and limited development through adjudication.[1] It thus comes as no surprise that the relationship between human rights law and cultural diversity, as well as that between human rights law and poverty, remain as current and contested subjects.

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1 As regards cultural rights, see Rosemary J. Coombe, 'Legal Claims to Culture in and Against the Market: Neoliberalism and the Global Proliferation of Meaningful Difference', 1 *Law, Culture and the Humanities* (2005) 35, at 52; Yvonne M. Donders, *Human Rights: Eye for Cultural Diversity* (Amsterdam University Press, 2012). Inaugural Lecture delivered upon the appointment to the chair of Professor of International Human Rights and Cultural Diversity at the University of Amsterdam on 29 June 2012, at 16–18. As regards socio-economic rights, see e.g. Virginia Mantouvalou, 'The Case for Social Rights', *Georgetown Public Law Research Paper No. 10–18* (2010), at 13 (arguing that these rights appear vague and imprecise not because of something inherent in them but rather because they have not been developed by scholars, courts, advocates, etc.).

When one studies these two contested areas of rights claims, it appears furthermore intriguing the way they have been addressed. In particular, it is startling that issues of cultural and economic interests have often been examined by courts and scholars in a rather disaggregated manner. To start with, legal claims of cultural difference and economic disadvantage are rarely brought together in a single study.[2] Some human rights law scholars have focused on issues of cultural difference (or 'diversity') and inequality, while others have been concerned with questions of socio-economic disadvantage, poverty and economic rights. These two bodies of literature, however, rarely converge or talk to each other.[3] One nevertheless wonders why the discussions on Roma and Travellers' housing lifestyles or about religious accommodation in the workplace are rarely addressed from the perspective of social rights and structural inequalities. Why is it that problems of socio-economic disadvantage are seldom examined in terms of poverty-based discrimination or the use of harmful stereotypes, and not just in terms of states' socio-economic obligations? One also wonders why the applicants and other implicated parties in these cases are often defined from the perspective of their cultural or religious membership, on the one hand, or their socio-economic circumstances, on the other, as if these were the only relevant features that marked their experience. The question that arises then is how the analysis would change if all these cases were seen from the perspective of, for instance, gender, age and immigration background. And what if that holistic approach were also extended to rights? Many cases involving issues of cultural difference are certainly about culturally driven rights, just as many cases of economic disadvantage are about economically driven rights. But surely both sets of cases are not just about that. What if these cases were approached from the angle of rights and harms not immediately visible?

The underlying concern is how those claims and problems are legally framed.[4] At bottom, the book asks why not frame them differently, that is,

[2] A notable exception is the study of whether and how fostering diversity (via multiculturalism, for example) decreases support or negatively affects policies of social welfare. See e.g. Jenny Phillimore, 'Diversity and social welfare. To restrict or include?', in Steven Vertovec (ed.), *Routledge International Handbook of Diversity Studies* (Routledge, 2015), at 245–253; Keith G. Banting, 'The Multicultural Welfare State: International Experience and North American Narratives', 39 *Social Policy and Administration* (2005) 98.

[3] Note that here reference is mostly being made to legal studies. Unlike these, social theorists and sociologists have brought questions of cultural and economic difference together. See e.g. Terry Lovell (ed.), *(Mis)recognition, Social Inequality and Social Justice. Nancy Fraser and Pierre Bourdieu* (Routledge, 2007); Boaventura de Sousa Santos, 'Nuestra America reinventing a subaltern paradigm of recognition and redistribution', 18 *Theory, Culture & Society* (2001), at 192.

[4] Framing is unavoidable. The issue is, however, to remain aware that 'every framing inevitably involves selection – if not pre-selection – through the conscious (and/or unconscious) placing of focus upon features or factors considered to be significant and/or valuable'.

more comprehensively, and whether doing so could enrich the legal analysis or illuminate useful avenues for tackling the challenges that come with those cases. But asking these questions requires considering how human rights law itself operates. Human rights law is supposed to rest on notions of indivisibility and interdependence, that is, on ideas of interconnection, unity and equal value across all rights. In practice, however, it is full of divisions: between types of right (civil and political rights, and economic, social and cultural rights), instruments (with differing binding force), organs, themes, regions and beneficiaries, among others. Human rights law has, in other words, fragmented.[5] Even within one general jurisdiction, such as that of the European and the Inter-American courts of human rights, divisions abound. Different parcels of standards and principles seem to apply depending on whether the applicant is defined as, for example, indigenous, a woman, a Roma, a member of a religious minority, an asylum seeker or a child; whether the issue is one of the public or private exercise of rights; whether it concerns positive or negative obligations; whether it is about equality or substantive liberties; and which line of case law it fits. This fragmentation is no bad thing, though. After all, it reflects serious efforts to fine-tune legal responses to different, traditionally overlooked types of problem and experience.

Arguably, what is problematic is that norms and standards sensitive to diversity (or to those marked as 'different') are often applied in a compartmentalised, isolated or unidimensional manner, cutting off relevant dimensions of the actors, norms or interests involved. This compartmentalised approach, which as noted above is quite common in the examination of cases concerning cultural and economic claims, carries several drawbacks. Besides failing to respond to the challenges posed by those cases, it may lead to a focus on abstract questions and to attribution of the problem to the difference or disadvantaged condition itself. This may, in turn, have two important effects: it may fail in making justice relate to people's lived experiences and it may leave the roots of the alleged violations unexamined.

Against this, the book turns to the idea of integration, that is, the idea that a more comprehensive approach to claims of cultural and economic difference is possible and useful. An integrated normative framework does not mean a general, abstract framework like that embodied in the Universal Declaration. By normative integration it is meant a normative framework that operates in a more holistic, interrelated and inclusive manner. For this, a point of

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Anna Grear, '"Framing the Project" of international human rights law', in Conor Gearty and Costas Douzinas (eds.), *The Cambridge Companion to Human Rights Law* (Cambridge University Press, 2012), at 17.

[5] See e.g. Carlos Iván Fuentes *et al.*, 'E Pluribus Unum – Bhinneka Tunggal Ika? Universal Human Rights and the Fragmentation of International Law', in René Provost and Colleen Sheppard, *Dialogues on Human Rights and Legal Pluralism* (Springer, 2013), at 52 and ff.

departure is the integrated approach to human rights proposed by Brems. She argues that such an integrated view has two implications. First, it implies 'a maximum widening of the range of human rights sources that are on the table'.[6] Second, an integrated view requires 'a maximum inclusion of human rights holders […] whose rights are affected by a particular situation'.[7] As will be seen later, the integrated framework applied in this book builds upon and expands this notion of integration.

Using analytical and methodological insights provided by feminist theory and by cultural and critical legal studies more generally, Part I of the book on theoretical foundations develops an integrated and person-centred perspective that, put simply, strives to give practical effect to ideas of normative integration that are familiar to and yet underutilised in human rights law. These are the concepts of intersectionality, indivisibility and normative interdependence. To do so, Parts II and III of the book discuss more than 200 judgments and decisions from the European and the Inter-American courts of human rights.[8] These are cases that, in spite of their complexity, are often presented and resolved without due regard for those ideas of integration. Part II rethinks cultural difference from an integrated perspective and Chapter 2 focuses on cases mostly brought by Roma, Traveller and Muslim applicants before the European Court of Human Rights.[9] On the other side of the Atlantic, where the spectrum of claims of cultural diversity is substantially less varied and numerous, Chapter 3 of the book turns to cases submitted by indigenous and Afro-descendant individuals and communities to the Inter-American Court of Human Rights. Part III adopts an integrated view on claims of economic disadvantage. It examines cases where the litigants and/or the regional courts frame the problem as one about poverty and/or disadvantage in socio-economic welfare in several areas of social life (e.g. access to legal services, health, education, family welfare and social housing). Here again, the book addresses the work of both the European and the Inter-American courts of human rights (Chapters 4 and 5, respectively).

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6 Eva Brems, 'Should Pluriform Human Rights Become One? Exploring the Benefits of Human Rights Integration', 4 *European Journal of Human Rights* (2014) 447, at 452.

7 Idem.

8 Although this sample may not be exhaustive, it is comprehensive enough for present purposes. The book furthermore draws on a number of cases from both regional courts which concern issues or applicants different from the ones that are the main focus of this book. Likewise, the author reviewed advisory opinions from the IACtHR and a number of rulings from other regional and international monitoring bodies. These are referenced when so deemed necessary for explanatory purposes.

9 The terms Roma and Traveller are used broadly to designate diverse groups and individuals that in the European Court's jurisprudence are generally referred to as 'Gypsies'. 'Roma' and 'Traveller' are taken as both a noun and a way to refer to a group. These terms and the way they are used in this book are by no means conveyed to deny the diversity within and across groups and individuals perceived or identified as Roma, Traveller or Gypsy.

The present book does not deal with the wide range of cultural and economic claims raised by those in non-hegemonic positions and the powerful alike. It only covers a relatively narrow segment of cases concerning cultural difference and economic disadvantage. And yet, the analysis undertaken here holds valuable potential for a large range of demands concerning difference and inclusion; from cases about adjustments for people with disabilities to claims for same-sex rights, to mention some. This is because most – if not all – forms of social division and exclusion encompass cultural and economic aspects.[10] It should also be noted that while the book focuses on litigation and the work of the judiciary, judges are not expected to do all the work required by human rights integration. As Chapter 6 reveals, other actors, such as lawyers, NGOs and third-party interveners can all play a crucial role in enriching the understanding of complex cases such those discussed here, although this issue is beyond the scope of this book.

Within these (and other) limitations, the book has two main aims. It seeks, firstly, to reveal whether and how prevailing judicial approaches to claims of cultural and economic difference may foreclose useful avenues for dealing with them and with the challenges they bring. Secondly, the book aims at providing guidelines for litigants and courts dealing with those matters to make their legal analysis more integrated, with a view to both making justice relate to people's lived reality and interrogating structural inequalities.

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[10] See e.g. Nancy Fraser, 'Social Justice in the Age of Identity Politics: Redistribution, Recognition, and Participation', in Nancy Fraser and Axel Honneth, *Redistribution or Recognition? A Political-Philosophical Exchange* (Verso, 2003), at 16–26; Sandra Fredman, 'Redistribution and Recognition: Reconciling Inequalities', 23(2) *South African Journal of Human Rights* (2007) 214, at 215; Seyla Benhabib, *The Claims of Culture. Equality and Diversity in the Global Era* (Princeton University Press, 2002), at 17. See also Chapter 1, sections 3, 4 and 5.

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[1] A major premise of this project is that the multi-layered experience of human rights norms has produced tension between divergence and coherence in human rights law in theory and practice. The project's 'work package' in which this book originates focused on the adjudication of questions of cultural and economic difference, which are reflective of contemporary tensions between universality and diversity in human rights law while being sites of contestation and divergent interpretations. Human Rights Integration Project Proposal 2012–2017, Contract P7/27, at 21 (on file with the author). Further information on the IAP's 'The Global Challenge of Human Rights Integration: Towards a Users' Perspective' can be found at <www.hrintegration.be>.

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