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of human rights: the take of this volume's contributors; Part I: Taking it as a given: The affirmation of the optimist; 2. The recognition of migrants' rights within the UN human rights system: The first 60 years; 1. The Universal Declaration of Human Rights: the protection of aliens 2. Transforming the UDHR into human rights treaties 3. Rights, sovereignty and non-refoulement; 4. The protection of migrants: 'unclear' and 'inadequate'; 5. Drafting the Migrant Workers' Convention; 6. Developments after 1990; 7. Conclusion; 3. Irregular migration and frontier deaths: Acknowledging a right to identity; 1. Deaths on the 'fault lines' of migration: contexts and numbers; 2. Border control's 'unintended side effects'; 3. The rights of irregular migrants: the legal framework; 4. Irregular migration and loss of identity; 5. Lost identity: the new 'potter's fields' of migration 6. Identifying and accounting for the dead 7. A right to identity; 8. Conclusion; Part II: Deliberating: the efforts of those who work out the system; 4. The constitutional status of irregular migrants: Testing the boundaries of human rights protection in Spain and the United States; 1. The human rights- sovereignty compromise; 2. The general framework governing foreigners as fundamental rights holders; 3. Legislative-judicial dialogue on irregular migrants as fundamental rights holders; 4. Conclusion 5. A new articulation of human rights, or the European Court of Human Rights should think beyond Westphalian sovereignty 1. Immigration detention and the ECHR; 2. The territorial blind spots of modern constitutionalism; 3. Destabilising territorial sovereignty through human rights; 4. Conclusion; Part III: Protesting: the outrage of the witness; 6. The French Calais: Transit zone or dead-end?; 1. From Sangatte to the jungles; 2. Are the Calais migrants refugees?; 3. The response of the French authorities; 4. Which role for human rights? 7. 'Not our problem': why the detention of irregular migrants is not considered a human rights issue in Malta 1. Treatment of immigrants attracts international criticism of Malta; 2. The position taken by the Maltese Government; 3. The European Union and shifting of responsibility for the human rights of outsiders; 4. The Maltese family: a social mechanism of containment and care, hierarchy-setting and exclusion; 5. Concluding remarks; PART IV Keeping one's distance: the puzzlement of the sceptic; 8. Human rights and immigration detention in the United Kingdom; 1. The human rights framework 2. Immigration detention: the legal and statistical context

Sommario/riassunto

Human rights seemingly offer universal protection. However, irregular migrants have, at best, only problematic access to human rights. Whether understood as an ethical injunction or legally codified norm, the promised protection of human rights seems to break down when it comes to the lived experience of irregular migrants. This book therefore asks three key questions of great practical and theoretical importance. First, what do we mean when we speak of human rights? Second, is the problematic access of irregular migrants to human rights protection an issue of implementation, or is it due t