

Table of Contents

Foreword	vii
Acknowledgements	xi
Introduction	1
Chapter 1 Fundamental Rights	9
I. The Philosophical Origins of Human Rights Law	9
A. Natural Law	10
B. Positive Law	15
II. The Development of Human Rights Law from Natural and Positive Law Principles	18
Chapter 2 What Is Privacy?	27
I. Defining Privacy, Its Origins and Its Importance	27
II. The Concept of Privacy	32
III. The Right to Privacy: An Overview	34
Chapter 3 Threats to Privacy in Modern Times	41
I. New Technologies Affecting Privacy	41
A. Identity Cards	43
B. Biometrics	47
C. Communications and Surveillance	51
1. Video Surveillance and CCTV	55
2. Unmanned Aerial Systems (Drones)	58
3. Internet Surveillance	60
4. Workplace Surveillance	62
5. International Surveillance	64
6. Global Positioning System (GPS)	66
7. Radio Frequency Identification (RFID)	68
D. Social Networks	72

Chapter 4	The General Right to Privacy as a Norm of International Law	77
I.	Treaties as a Source of International Law	79
A.	Treaties and the General Right to Privacy	80
II.	Customary International Law as a Source of International Law	88
A.	Customary International Law and the General Right to Privacy	97
Chapter 5	Salient Issues: The Right to Privacy in Specific Contexts	109
I.	Search and Seizure	109
A.	International Law and Jurisprudence	109
B.	State Practice	117
II.	Intimate Conduct	131
A.	International Law and Jurisprudence	131
B.	State Practice	138
III.	Data Protection	145
A.	International Law and Jurisprudence	145
B.	State Practice	151
Chapter 6	Privacy in the Age of Terrorism	165
I.	The Exchange of Privacy for Security	165
II.	The Backlash: Civil Liberties Reconsidered and a Reclaiming of the Right to Privacy	179
Chapter 7	Appraisal and Recommendations	189
I.	Balancing The Right To Privacy Against Other Societal Interests	189
II.	The Effect of Globalization on Technology	190
III.	Technology, Knowledge, and Privacy by Design	192
IV.	The Future of Privacy	196
Conclusion		199
Appendix	Privacy Protections in the Constitutions of Countries	205
Index		257