

International Human Rights Law and Practice

Human rights law is a complex but compelling subject that fascinates, but often confuses, students. *International Human Rights Law and Practice* explores the subject from a theoretical and practical perspective, guiding students to a rich understanding of the law. The second edition has been fully revised and updated, including two new chapters on children's rights and international criminal law, and new sections on a variety of topics, including: the right to equality; protection of refugees; and the effect of foreign investment and sovereign debt on the enjoyment of human rights. In addition, new case studies and interviews with practitioners, NGO activists and policy-makers show how theory is applied in real life. Student learning is supported by questions to stimulate seminar discussion and further reading sections that encourage independent study. The authors' clear and engaging writing style ensures that this new edition will continue to be required reading for all students of human rights law.

Ilias Bantekas is Professor of International Law at Brunel University. He has held human rights-related academic posts at leading law schools, including SOAS, Harvard and Trier. He has advised governments, international organisations and NGOs in most fields of human rights and international law, and was a member of the Greek Truth Committee on Debt. His recent books include: *Criminological Approaches to International Criminal Law* (Cambridge, 2014); *Introduction to International Arbitration* (Cambridge, 2015); *International Law, second edition* (with E. Papastavridis, Oxford, 2015).

Lutz Oette is a Senior Lecturer in law at SOAS, University of London. He has pursued human rights cases before several regional and international bodies and engaged with a range of actors in comparative research, advocacy and reform projects aimed at developing and implementing international human rights standards.

International Human Rights Law and Practice

Second Edition

Ilias Bantekas and Lutz Oette



CAMBRIDGE
UNIVERSITY PRESS

CAMBRIDGE
UNIVERSITY PRESS

University Printing House, Cambridge CB2 8BS, United Kingdom

Cambridge University Press is part of the University of Cambridge.

It furthers the University's mission by disseminating knowledge in the pursuit of education, learning and research at the highest international levels of excellence.

www.cambridge.org

Information on this title: www.cambridge.org/9781107562110

© Ilias Bantekas and Lutz Oette 2016

This publication is in copyright. Subject to statutory exception and to the provisions of relevant collective licensing agreements, no reproduction of any part may take place without the written permission of Cambridge University Press.

First published 2016

First edition Cambridge University Press 2013

Printed in the United Kingdom by TJ International Ltd. Padstow Cornwall

A catalogue record for this publication is available from the British Library

Library of Congress Cataloguing in Publication data

Names: Bantekas, Ilias, author. | Oette, Lutz, author.

Title: International human rights law and practice / Ilias Bantekas and Lutz Oette.

Description: Second edition. | Cambridge, United Kingdom: Cambridge University Press, 2016. | Includes bibliographical references and index.

Identifiers: LCCN 2016001612 | ISBN 9781107125049 (Hardback) |

ISBN 9781107562110 (Paperback)

Subjects: LCSH: Human rights. | International law and human rights.

Classification: LCC K3240 .B36 2016 | DDC 341.4/8—dc23 LC record available at <http://lcn.loc.gov/2016001612>

ISBN 978-1-107-12504-9 Hardback

ISBN 978-1-107-56211-0 Paperback

Cambridge University Press has no responsibility for the persistence or accuracy of URLs for external or third-party internet websites referred to in this publication, and does not guarantee that any content on such websites is, or will remain, accurate or appropriate.

CONTENTS

List of abbreviations	<i>page</i> xviii
Table of cases	xxvi
Introduction	1
1 International human rights law and notions of human rights: foundations, achievements and challenges	4
1.1 Introduction	4
1.2 The development of human rights and international human rights law	6
1.2.1 Foundations	6
1.2.2 The American and French declarations of rights	8
1.2.3 The struggle for rights in the nineteenth century	10
1.2.4 World War I, the League of Nations and human rights	12
1.2.5 World War II, the Holocaust and the foundations of the international human rights system	14
1.2.6 The UDHR: origins, content and significance	15
1.2.7 Cold War and decolonisation	19
1.2.8 The growth of international human rights law	21
1.3 Current challenges	23
1.3.1 International/cross-border dimension of violations	24
1.3.2 Responsibility of multiple actors	25
1.3.3 Effective monitoring and implementation	26
1.3.4 Human rights imperialism and exceptionalism	27
1.4 The idea of human rights: theories and critiques	29
1.4.1 Moral and liberal human rights theories	30
1.4.2 Meeting the challenge: reconstructing human rights	32
1.5 Universal human rights: contestations and practices	35
1.5.1 The debate	35
Interview 1.1: Human rights and the uprisings in the Arab world (Moataz El Feghery)	40
1.5.2 Experiences in combating female genital cutting/mutilation	44
Further reading	48

vi Contents

2	International human rights law: the normative framework	49
2.1	Introduction	49
2.2	Sources	52
2.2.1	Treaties	52
2.2.1.1	Treaty-making	52
2.2.1.2	Reservations	55
2.2.2	Customary international law	59
2.2.2.1	The UDHR and customary international law	61
2.2.3	Judicial decisions as source of law	62
2.2.4	Soft law	65
2.2.5	UNDRIP: a soft law success story?	66
2.2.6	<i>Jus cogens</i> and <i>erga omnes</i>	67
2.3	Principles, rights, obligations and scope of application	71
2.3.1	Principles	71
2.3.2	The concept of rights	72
2.3.3	The right to equality, non-discrimination and sexual orientation	76
2.3.4	Obligations	79
2.3.5	Derogation in times of emergency	80
2.3.6	Scope of application	82
2.4	Implementation	83
2.4.1	The role of national human rights institutions	87
	Interview 2.1: Reflections on the work of Uganda’s Human Rights Commission (Med. S. K. Kaggwa)	88
2.5	State responsibility and human rights treaties as self-contained regimes	91
2.6	Practical application: the role of law reform	93
	Interview 2.2: The campaign to repeal Pakistan’s <i>Hudood</i> laws (Sohail A. Warraich)	98
	Further reading	101
3	Human rights in practice	102
3.1	Introduction	102
3.2	Civil society	103
3.3	Social movements	105
3.4	NGOs	107
3.4.1	General considerations	107
3.4.2	Human rights NGOs	109
3.4.3	Assessing the role of human rights NGOs	111
3.5	Human rights defenders	116
	Case Study 3.1: NGOs and human rights protection in Sudan	119
3.6	Legal professionals and human rights	121
3.7	Health professionals and human rights	124
3.8	Human rights field officers	126

vii	Contents	
	Interview 3.1: Experiences of a UN human rights officer (Huma Shakeb Khan)	127
3.9	Human rights strategies	130
	3.9.1 Documentation and fact-finding	130
	Interview 3.2: Documenting human rights violations in volatile environments: the Libyan experience (Elham Saudi)	134
	3.9.2 Human rights reporting	138
	3.9.3 Monitoring	140
	3.9.4 Advocacy	142
	3.9.5 Awareness-raising, capacity-building and human rights education	145
	Case Study 3.2: Responding to serious human rights violations in Darfur, Sudan – strategies, critiques, impact	149
	Further reading	152
4	The United Nations Charter system	154
4.1	Introduction	154
4.2	The human rights dimension of the charter	156
4.3	The HRC	159
	4.3.1 The UPR	164
	4.3.2 The HRC's complaints procedure	167
4.4	Special procedures	170
	Interview 4.1: With former UN Special Rapporteur (Cephas Lumina)	173
	4.4.1 Communications	175
	4.4.2 Country visits	176
	4.4.3 Annual reports	177
	Case Study 4.1: Reprisals against those collaborating with UN human rights procedures	177
4.5	The UNGA and human rights	179
4.6	The UNSC	180
	Case Study 4.2: The UNSC and human rights in North Korea	185
	4.6.1 Fact-finding in practice: the UN mission in the Gaza conflict	187
	Further reading	191
5	The UN human rights treaty system	192
5.1	Introduction	192
5.2	Common features of international human rights treaty bodies	194
5.3	Reporting procedure	198
	5.3.1 Overview	198
	Interview 5.1: Using shadow reports to promote gender equality and combat sexual violence: South Africa (Lesley Ann Foster)	202
	5.3.2 Strengthening the reporting procedure	205
5.4	General comments/recommendations	208
5.5	Complaints procedures and jurisprudence of treaty bodies	212

viii	Contents	
	5.5.1 Overview	212
	5.5.2 The HRCtee	215
	5.5.3 Breadwinners, social security and discrimination: <i>Zwaan-de Vries v. The Netherlands</i>	218
	5.5.4 The CERD	219
	5.5.5 Still facing discrimination: <i>Durmic v. Serbia and Montenegro</i>	220
	5.5.6 The CtAT	222
	5.5.7 Rendered defenceless: <i>Agiza v. Sweden</i>	223
	5.5.8 The CtEDAW	224
	5.5.9 ‘We don’t believe you’: <i>Vertido v. The Philippines</i>	225
	5.5.10 The CtRPD	227
	5.5.11 Shortchanged: <i>Nyusti and Takács v. Hungary</i>	228
	5.5.12 Achievements and challenges	229
	Interview 5.2: Working for the CESCR (Eibe Riedel)	231
	Further reading	233
	6 Regional human rights treaty systems	235
6.1	Introduction	235
6.2	The European human rights system	237
	6.2.1 Overview	237
	6.2.2 The ECHR	239
	6.2.3 Key institutions	240
	6.2.4 The ECtHR: structure and functions	241
	6.2.5 Jurisprudence of the ECtHR	242
	6.2.5.1 Development of the ECtHR’s jurisprudence	242
	6.2.5.2 The ECtHR’s interpretation of the ECHR	244
	6.2.5.3 Responses to the ECtHR’s jurisprudence	246
	6.2.6 Impact	249
	Interview 6.1: The nature and impact of litigation concerning Turkey (Dr Başak Çali)	250
	Interview 6.2: Nature and impact of litigation concerning Turkey and Russia (Bill Bowring)	253
	6.2.7 The struggle for efficiency, effectiveness and institutional reforms	256
	6.2.8 The EU	260
6.3	The Inter-American human rights system	262
	6.3.1 Overview	262
	6.3.2 The IACHR	264
	6.3.3 The IACtHR	266
	6.3.4 Impact	270
	Interview 6.3: An intimate experience of the Court as litigant and Senior Staff Attorney (Oswaldo Ruiz-Chiriboga)	271
6.4	The African human rights system	274

ix	Contents	
	6.4.1 Overview	274
	6.4.2 The ACmHPR	277
	Case Study 6.1: <i>Modise v. Botswana</i> and the question of nationality rights	280
	6.4.3 Impact	281
	6.4.4 The ACtHPR	282
	6.4.5 African regional economic courts	284
	Interview 6.4: Making the system work (Ibrahima Kane)	286
6.5	Towards an Asian human rights system?	290
6.6	Comparison of regional systems	291
	Further reading	292
7	Individual complaints procedures	295
7.1	Introduction	295
7.2	Admissibility	297
	7.2.1 Jurisdiction	298
	7.2.1.1 <i>Rationae personae</i> : who can bring a complaint?	298
	7.2.1.2 Against whom can a complaint be brought?	300
	Case Study 7.1: Protection against the implementation of UN Security Council sanctions: <i>Sayadi and Vinck v. Belgium</i>	302
	7.2.1.3 <i>Rationae materiae</i> : what rights?	303
	7.2.1.4 Jurisdiction in respect of extraterritorial conduct	304
	7.2.1.5 The long reach of the ECHR: <i>Al-Skeini v. United Kingdom</i>	306
	7.2.1.6 <i>Rationae temporis</i> : when?	308
	7.2.2 Exhaustion of domestic remedies	310
	7.2.2.1 What remedies must be exhausted?	310
	7.2.2.2 ‘An affront to common sense and logic’: <i>Dawda Jawara v. The Gambia</i>	313
	7.2.3 Other procedural requirements	314
	7.2.3.1 Time limits	314
	7.2.3.2 Duplication	315
	7.2.3.3 Well-foundedness	316
	7.2.3.4 Abuse of rights	316
	7.2.3.5 Anonymity	317
7.3	Merits	317
7.4	Decisions by human rights treaty bodies	320
7.5	Implementation of decisions and judgments	322
	Case Study 7.2: Restoring ancestral lands to indigenous peoples – <i>Mayagna (Sumo) Awas Tingni Community v. Nicaragua</i>	326
7.6	Additional procedural options	327
	7.6.1 Interim measures	327
	7.6.2 Friendly settlements	329

x	Contents	
	Interview 7.1: Nepal before the Human Rights Committee (Mandira Sharma)	331
7.7	The <i>Hissène Habré</i> case: the interplay between domestic, regional and international proceedings	334
	Further reading	337
8	Civil and political rights	339
8.1	Introduction	339
8.2	The right to life	340
	8.2.1 Practice	340
	8.2.2 Sources	342
	8.2.3 The prohibition of arbitrary deprivation of life	342
	8.2.4 <i>McCann v. United Kingdom</i> : absolute necessity in the European Court of Human Rights's jurisprudence	343
	Case Study 8.1: The killing of Bin Laden and the right to life	344
	8.2.5 The death penalty under international law	345
	8.2.6 Positive obligations to protect the right to life	348
	8.2.6.1 Providing protection against threats to life	348
	8.2.6.2 Duty to investigate, prosecute and punish and to provide redress	350
	8.2.7 A right to survival?	352
8.3	The right to be free from torture and other ill-treatment	353
	8.3.1 Practice	353
	8.3.2 Sources	355
	8.3.3 The absolute prohibition of torture	355
	8.3.4 The case of <i>Gäfgen</i> and the German torture debate	356
	8.3.5 The definition of torture and other forms of ill-treatment and punishment	358
	8.3.6 Obligations	363
	Interview 8.1: The role of medical documentation in combating torture: Istanbul Protocol (Dr Önder Özkaliççi)	364
8.4	The right to liberty and security of person	367
	8.4.1 Practice	367
	8.4.2 Sources	368
	8.4.3 Scope of the right to liberty and security	369
	8.4.4 Justification of arrest and detention	369
	8.4.5 Administrative detention: law and power in the pursuit of policy	372
8.5	The right to a fair trial	376
	8.5.1 Practice	376
	8.5.2 Sources	377
	8.5.3 Main features of the right to a fair trial	378
	8.5.3.1 General principles	378
	8.5.3.2 Criminal proceedings	379

xi Contents

Case Study 8.2: The problem with military and special courts	381
8.6 Enforced disappearance as multiple human rights violation	382
Interview 8.2: Inquiries into enforced disappearances in Sri Lanka (M. C. M. Iqbal)	386
8.7 Qualified rights, with a particular focus on freedom of expression	390
8.7.1 Practice	390
8.7.2 Sources	391
8.7.3 Freedom of religion vs. freedom of expression	393
8.7.4 To wear or not to wear: freedom of conscience and religion, the rights of women and the veil	395
Further reading	397
9 Economic, social and cultural rights	399
9.1 Introduction	399
9.2 Brief historical context of ESC rights	400
9.3 Progressive realisation and the nature of state obligations	403
9.4 Resource implications: the obligation to utilise ‘maximum available resources’	408
Case Study 9.1: United States budget allocated to primary and secondary education	412
9.5 Minimum core obligations	413
9.6 Justiciability of ESC rights	415
9.6.1 Individual communications and the ICESCR Optional Protocol	419
9.6.2 The ECSR	420
9.7 Extraterritoriality of ESC rights	422
9.8 Indicators and benchmarks for measuring compliance	423
Case Study 9.2: Indicators on the right to food	427
9.9 The right to health	428
Interview 9.1: Greek NGO implements the right to health for the socially excluded (Tzanetos Antypas)	430
9.10 The right to water	432
Case Study 9.3: The deprivation of water rights as cruel and inhuman treatment	435
9.11 The right to education	436
9.12 The right to food	439
9.13 Links between unemployment, debt crises and mental illness	443
Further reading	446
10 Group rights: self-determination, minorities and indigenous peoples	448
10.1 Introduction	448
10.2 The nature of collective rights	449
10.2.1 External self-determination	451
10.2.2 Exceptionalism in the external dimension of self-determination	455

xii Contents

	10.2.3 The essence of internal self-determination	458
	Case Study 10.1: Participatory budgeting in Porto Alegre, Brazil	460
10.3	Minorities as a subject of human rights	461
	10.3.1 The historical and political context: should minorities be treated differently from majorities?	463
	10.3.2 Membership rights	467
	Case Study 10.2: The Malay <i>Bumiputra</i> policy	472
10.4	Indigenous peoples: is there a need for additional protection?	474
	10.4.1 Indigenous rights over traditional lands	478
	10.4.2 Indigenous land rights in contemporary international law	479
	10.4.3 Indigenous ownership as a right to property	481
	10.4.4 Special considerations in the design of indigenous peoples' development plans within the World Bank	484
	10.4.5 The Chad–Cameroon pipeline and the Baka/Bakola: what to look for in social impact assessments	487
	Further reading	490
11	The human rights of women	491
11.1	Introduction	491
11.2	Normative framework	493
	11.2.1 Key violations of women's human rights: the Convention on the Elimination of All Forms of Discrimination against Women	493
	11.2.2 Critiques of CEDAW	495
	11.2.3 CEDAW, violence against women and reproductive rights	498
11.3	Conceptual development	509
	11.3.1 The development of feminist legal theory and women's human rights	509
	11.3.2 Critiques of liberal and non-discrimination approaches to women's human rights	510
	11.3.3 Critiques of 'Western' feminist approaches to women's human rights	512
	11.3.4 Sex, gender and sexuality	516
11.4	Women's human rights and domestic contexts: 'honour crimes' in the English legal system	517
	11.4.1 Definitions and concepts of 'honour'	518
	11.4.2 Practical legal approaches to 'honour crimes': culture, gender and mainstreaming	519
	11.4.3 Non-state actors and due diligence: a human rights response?	521
	Case Study 11.1: Banaz Mahmod	523
	Further reading	525

xiii	Contents	
12	Children’s rights	526
12.1	Introduction	526
12.2	Childhood: a non-static concept	527
12.3	The need for a specialised protection regime	528
12.4	Fundamental principles	531
	12.4.1 The child’s best interests	531
	12.4.2 The child’s right to be heard	532
	12.4.3 Right to life, survival and development	533
	12.4.3.1 Child soldiers	534
	12.4.4 Non-discrimination	537
	Case Study 12.1: Discrimination against fathers in custody proceedings: the critical role of neuroscience	538
12.5.	Children’s right to be free from poverty	541
	Case Study 12.2: Anti-child poverty legislation in the United Kingdom and austerity measures	545
	Further reading	549
13	The right to development, poverty and related rights	550
13.1	Introduction	550
13.2	The human dimension of development	551
13.3	The RTD	555
	13.3.1 Making the RTD justiciable	559
	Case Study 13.1: The International Monetary Fund’s structural adjustment programmes	561
13.4	Global partnerships for the financing of development	562
13.5	Practical application	567
	13.5.1 Microfinance: breaking the cycle of poverty by small loans to the ultra-poor	567
	Case Study 13.2: Grameen microlending: access to credit as a human right	569
	Interview 13.1: Microfinance non-governmental organisation (NGO) (Ramanou Nassirou)	571
13.6	Sovereign debt and the enjoyment of fundamental rights	574
	13.6.1 Accumulation of sovereign debt and its human rights dimension	574
	13.6.2 Odious, illegal and illegitimate debt	578
	13.6.3 Unsustainable debt	581
	Case Study 13.3: The Parliamentary Committee on the Truth about the Greek Debt: the artificiality of Greek debt and its odious nature	583
13.7	The right to a corruption-free society	587
13.8	The right to a healthy environment	591
	Case Study 13.4: The <i>Minors Oposa</i> case: intergenerational environmental equity/rights	595
	Further reading	596

xiv	Contents	
14	Victims' rights and reparation	598
14.1	Introduction	598
14.2	The development of the right to reparation	601
14.3	The right to reparation in international human rights law	602
	14.3.1 Treaties and UN declarations	602
	14.3.2 Practice at the inter-state level	605
	14.3.3 State practice at the national and transnational level	607
14.4	The right to reparation in international humanitarian law	608
14.5	The right to reparation in international criminal law	609
14.6	The right to reparation and violations by non-state actors	611
14.7	The right to reparation for historical injustices and violations	612
14.8	The notion and legal significance of the term 'victim'	614
14.9	The procedural right to an effective remedy	615
	14.9.1 Overview	615
	14.9.2 The nexus between civil and criminal proceedings: <i>Rajapakse v. Sri Lanka</i>	617
	14.9.3 The right to property, and the choice between investment arbitration and human rights avenues	618
14.10	The substantive right to reparation	620
	14.10.1 State responsibility	620
	14.10.2 Liability	620
	14.10.3 Standard of reparation	620
	14.10.4 Forms of reparation	621
	14.10.5 Restitution	622
	14.10.6 Compensation	623
	14.10.7 Types of damages	623
	14.10.8 <i>Proyecto de vida: Loayza Tamayo v. Peru</i>	625
	14.10.9 Should previous conduct be taken into consideration when awarding compensation?	627
	14.10.10 Rehabilitation	628
	14.10.11 Satisfaction	629
	14.10.12 Guarantees of non-repetition	631
	14.10.13 Reparation for the violation of collective rights: <i>Saramaka People v. Suriname</i>	631
	14.10.14 A brief assessment and outlook	632
14.11	The double-edged sword of victims' politics	633
14.12	Negotiating, litigating and administering reparations: experiences from the Holocaust and World War II reparations	636
14.13	Reparation in action: litigating human rights cases	638
	14.13.1 Litigation strategies	638
	14.13.2 Pursuing reparation claims, with particular reference to litigating torture cases	640

xv	Contents	
	Interview 14.1: Litigation, advocacy and social change (Basil Fernando)	641
	Further reading	647
15	The application of human rights in armed conflict	649
15.1	Introduction	649
15.2	The fundamental premises of IHL	650
	15.2.1 Distinction between combatants and non-combatants	650
	15.2.2 Restricted targeting of military objects	652
	15.2.3 Means and methods of warfare are not unlimited	654
15.3	Rights and obligations in humanitarian law	654
15.4	Humanitarian law as <i>lex specialis</i> to human rights law	657
15.5	Why human rights bodies find the application of humanitarian law problematic	659
15.6	Human rights in situations of military occupation	662
	15.6.1 The extraterritorial application of human rights in occupied territories	666
	15.6.2 The effective control test	667
	15.6.3 The decisive influence test	669
15.7	The relevance of the law to battlefield conditions	670
	15.7.1 Human physiology in combat situations	670
	Interview 15.1: Battlefield compliance (Charles Garraway and anon)	674
	15.7.2 The dilution of humanitarian law and problems in ensuring compliance	677
	Further reading	681
16	Human rights and international criminal justice	682
16.1	Introduction	682
16.2	Relationship between international criminal law and human rights	683
16.3	Individual criminal liability under international law	686
	Case Study 16.1: International Criminal liability at the Nürnberg Trial	687
16.4	The enforcement of international criminal law	688
16.5	Universal jurisdiction	692
16.6	Peace vs. international criminal justice	695
	Interview 16.1: Siri Frigaard: Former Chief Public Prosecutor and Director of the Norwegian National Authority for Prosecution of Organised and Other Serious Crime	702
16.7	Core international crimes	705
	16.7.1 Genocide	706
	16.7.2 Crimes against humanity	709
16.8	The place of immunities in human rights and international criminal justice	711
	Further reading	714

xvi Contents

17	Human rights and counter-terrorism	715
17.1	Introduction	715
17.2	The legal nature of terrorism	717
17.3	The discussion on underlying or root causes	719
17.4	The obligation of states to protect their populations from terrorism	721
	Case Study 17.1: <i>Finogenov and Chernetsova v. Russia</i> : European Court of Human Rights admissibility decision of 18 March 2010	723
17.5	Human rights in counter-terrorism operations	725
	17.5.1 Anti-terrorist legislation and the principle of legality	727
	17.5.2 Permissible restrictions and derogations arising from terrorist threats	729
17.6	The right to life in counter-terrorism operations	733
	17.6.1 Situations when lethal force is permissible	733
	17.6.2 Targeted killings and ‘shoot-to-kill’ strategies	735
17.7	Attempts to justify arbitrary detention	738
17.8	Unlawful extraditions and illegal renditions of suspected terrorists	742
	17.8.1 Washing one’s hands and hiding every trace	742
	17.8.2 From arbitrary detention and unlawful extradition the road to torture is open. . .	745
	Case Study 17.2: <i>Al-Rabiah v. USA</i>	748
17.9	Legal and other strategies regarding disappeared terrorist suspects	750
	17.9.1 The potency of advocacy and outreach	750
	17.9.2 Tracing strategies and release arguments	751
	17.9.3 Advocacy strategies	754
	17.9.4 Counter-terrorism: the real testing ground for <i>erga omnes</i>	756
	Interview 17.1: Legal defender of Guantánamo detainees (Clive Stafford Smith)	758
	Further reading	759
18	Human rights obligations of non-state actors	761
18.1	Introduction	761
18.2	The status of NSAs in human rights law	762
18.3	Multinational corporations in the human rights architecture	767
	18.3.1 Human rights obligations of MNCs	771
	18.3.2 Human rights and foreign direct investment	778
	Case Study 18.1: Unilateral repudiation of arbitral awards violating constitutional guarantees	782
	18.3.3 Corporate social responsibility	783
18.4	Human rights obligations of international organisations	785
	18.4.1 General obligations	785

xvii	Contents	
	Case Study 18.2: Non-consideration of economic and social rights by the IMF in Tanzania	790
	18.4.2 International organisations as violators of human rights: the need for dual attribution	790
	Case Study 18.3: Complicity of states through/with IGOs	796
18.5	National liberation movements and armed rebel groups	797
	18.5.1 ‘To Suffer thy Comrades’: responding to human rights abuses by NSAs in the Philippines	798
	Interview 18.1: Judge and activist on Philippines’ armed groups (Soliman M. Santos)	800
	Further reading	804
19	Globalisation and its impact on human rights	805
19.1	Introduction	805
19.2	The origins and nature of globalisation	807
19.3	Does the existing model of trade liberalisation promote development and alleviate poverty?	810
	19.3.1 Liberalisation of agriculture and its impact on food security	815
	Case Study 19.1: Liberalisation of Zambia’s maize production	817
	Interview 19.1: The director of Food First (Eric Holt-Giménez)	817
19.4	How intellectual property rights hinder access to essential medicines for the poorest	819
	Case Study 19.2: Biopiracy and the mayocoba bean	821
19.5	The protection of persons in flight or movement	822
	19.5.1 The protection of refugees in international law	824
	19.5.2 The protection of migrants	831
19.6	The <i>McLibel</i> case: sales globalisation and its impact on rights	835
	Further reading	838
	Index	840

ABBREVIATIONS

AC	Appeal Cases law reports (England)
ACHPR	African Charter on Human and Peoples’ Rights
ACHR	American Convention on Human Rights
ACJ	African Court of Justice
ACmHPR	African Commission on Human and Peoples’ Rights
ACtERWC	African Committee of Experts on the Rights and Welfare of the Child
ACtHPR	African Court on Human and Peoples’ Rights
AD	Annual Digest
AHRLR	African Human Rights Law Reports
AI	Amnesty International
AICHR	ASEAN Intergovernmental Commission on Human Rights
AIR	All India Reports
All ER	All England Reports
ALR	Australian Law Reports
ARIO	ILC Articles on the Responsibility of International Organisations
ARSIWA	Articles on Responsibility of States for Internationally Wrongful Acts
ASEAN	Association of Southeast Asian Nations
AU	African Union
BCLR	Butterworth’s Constitutional Law Reports (RSA)
BGH	<i>Bundesgerichtshof</i> (German Federal Court of Justice)
BHRC	Butterworth’s Human Rights Cases
BiH	Bosnia and Herzegovina
BIT	bilateral investment treaty
BLD	Bangladesh Legal Decision (reports)
BLR	Botswana Law Reports
BOP	balance of payments
BVerfGE	<i>Bundesverfassungsgericht</i> (German Constitutional Court)
BVerwGE	<i>Bundesverwaltungsgericht</i> (Federal Administrative Court of Germany)
CAT	Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
CCJ	Caribbean Court of Justice

xix Abbreviations

CDO	collateral debt obligations
CDS	credit default swaps
CED	Committee on Enforced Disappearances
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CEJIL	Centre for Justice and International Law
CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
CETS	Council of Europe Treaty Series
CIA	Central Intelligence Agency
CIF	Commodity Investment Fund
CJEU	Court of Justice of the European Union
CLR	Commonwealth Law Reports
Cm.	Command Paper (UK)
CMW	Committee on Migrant Workers
CoE	Council of Europe
COHRE	Centre on Housing Rights and Evictions
CoM	Committee of Ministers (Europe)
CommHR	Commission on Human Rights (UN)
CPED	International Convention for the Protection of All Persons from Enforced Disappearance
CPP-NPA	Communist Party of the Philippines – New People’s Army
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSCE	Conference on Security and Cooperation in Europe
CSOs	civil society organisations
CtAT	Committee against Torture
CtEDAW	Committee on the Elimination of Discrimination against Women
CtRC	Committee on the Rights of the Child
CtRPD	Committee on the Rights of Persons with Disabilities
DAC	Development Assistance Committee (OECD)
DEVAW	Declaration on the Elimination of Violence Against Women (1994)
DLR	Dominion Law Reports
D & R	Decisions and Reports of the European Committee on Human Rights
DTA	Detainee Treatment Act (USA)
EAC	East African Community
EC	European Communities
ECB	European Central Bank

xx Abbreviations

ECCC	Extraordinary Chambers in the Courts of Cambodia
ECHR	European Convention on Human Rights
ECJ	European Court of Justice
ECOSOC	Economic and Social Council (UN)
ECOWAS	Economic Community of West African States
ECOWAS	ECOWAS Community Court of Justice
CCJ	
ECR	European Court Reports (ECJ)
ECSR	European Committee of Social Rights
ECtHR	European Court of Human Rights
EFSF	European Financial Stability Facility
EHRAC	European Human Rights Advocacy Centre
EHRR	European Human Rights Reports
EOHR	Egyptian Organization for Human Rights
ESC	economic, social and cultural rights
ESM	European Stability Mechanism
EU	European Union
EULEX	EU Rule of Law Mission in Kosovo
EWHC	High Court of England and Wales
F.	Federal reporter (USA)
FAO	Food and Agriculture Organization
FCO	Foreign and Commonwealth Office (UK)
FDI	foreign direct investment
FGC	female genital cutting
FGM	female genital mutilation
FIDH	International Federation of Human Rights
FIDIC	International Federation of Consulting Engineers
FPIC	free, prior and informed consent
FRONTEX	Frontières Extérieures
FRY	Federal Republic of Yugoslavia
G-77	Group of 77 (nations)
GATT	General Agreement on Tariffs and Trade
GC	Grand Chamber (of the ECtHR)
GDP	gross domestic product
GDR	German Democratic Republic (East Germany)
GEF	global environmental facility
GRI	Global Reporting Initiative
GSP	Generalised System of Preferences
HCI	High Court of Justice (Israel)
HDI	Human Development Index
HIPC	highly indebted poor countries
HPG	Humanitarian Policy Group

xxi Abbreviations

HRAP	Human Rights Advisory Panel
HRBA	human rights-based approach
HRC	Human Rights Council
HRCtee	Human Rights Committee
HRIA	human rights impact assessment
HRRP	Human Rights Review Panel
HRW	Human Rights Watch
IACHR	Inter-American Commission on Human Rights
IACtHR	Inter-American Court of Human Rights
IBA	International Bar Association
IBP	International Budget Partnerships
IBRD	International Bank for Reconstruction and Development
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICHRP	International Council on Human Rights Policy
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
ICSID	International Centre for the Settlement of Investment Disputes
ICSPCA	International Convention on the Suppression and Punishment of the Crime of Apartheid
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
IDB	International Development Bank
IDP	internally displaced person
IFI	international financial institution
IGO	intergovernmental organisation
IHL	international humanitarian law
ILA	International Law Association
ILC	International Law Commission
ILM	International Legal Materials
ILO	International Labour Organization
ILP	international legal personality
ILR	International Law Reports
IMF	International Monetary Fund
IMT	International Military Tribunal at Nürnberg
INSC	Supreme Court of India Judgments
IP	Intellectual Property

xxii Abbreviations

IPCC	Independent Police Complaints Commission (England and Wales)
IPP	indigenous peoples plan
IPPF	indigenous peoples planning framework
IRA	Irish Republican Army
IRCT	International Rehabilitation Council for Torture Victims
IS	Islamic State
ISC	Intelligence and Security Committee (UK)
IVF	in-vitro fertilisation
KB	King’s Bench
KFOR	Kosovo Force
LAS	League of Arab States
LDCs	least developed countries
LFJL	Lawyers for Justice in Libya
LGBTI	lesbian, gay, bisexual, transgender and intersex
LNTS	League of Nations Treaty Series
LRA	Lord’s Resistance Army
LTTE	Liberation Tigers of Tamil Eelam
MDER	minimum dietary energy requirements
MDGs	Millennium Development Goals
MFI	microfinancing institution
MFN	most favoured nation
MI5	Military Intelligence, Section 5 (UK)
MICS	Multiple Indicator Cluster Survey
MIGA	Multilateral Investment Guarantee Agency
MLA	mutual legal assistance
MMDA	Model Mine Development Agreement
MNC	multinational corporation
MoU	memorandum of understanding
MRM	monitoring and reporting mechanism
NATO	North Atlantic Treaty Organization
NBC	nuclear, biological and chemical first aid kit
NgHC	Nigerian High Court
NGO	non-governmental organisation
NHRI	national human rights institution
NLM	national liberation movement
NSAs	non-state actors
NTC	National Transitional Council (Libya)
OAS	Organization of American States
OAU	Organisation of African Unity
ODA	overseas development assistance
OECD	Organisation for Economic Cooperation and Development

xxiii Abbreviations

OHCHR	Office of the High Commissioner for Human Rights
OJ	Official Journal (EC)
OLC	Office of the Legal Counsel (US Dept. of Justice)
OP	Operational Policy (World Bank)
OPCAT	Optional Protocol to the Convention against Torture
OSCE	Organization for Security and Cooperation in Europe
PAT	poverty assessment tool
PB	participatory budgeting
PCA	Permanent Court of Arbitration
PCIJ	Permanent Court of International Justice
PII	public interest immunity
PKK	Kurdistan Workers' Party
PLD	All Pakistan Legal Decisions
PLO	Palestine Liberation Organization
PNS	parasympathetic nervous system
POW	prisoner of war
PRGF	poverty reduction growth facility
PRSP	poverty reduction strategy paper
QB	Queen's Bench
R 61	Rule 61 decision (ICTY)
R2P	responsibility to protect
ROE	Rules of Engagement
RSA	Republic of South Africa
RSLR	River State Law Reports (Nigeria)
RTD	Right to Development
RTHE	right to a healthy environment
SA	South African (law reports)
SADC	South African Development Community
SAP	structural adjustment programme
SCC	Supreme Court Cases (India)
SCR	Supreme Court Reports (India)
SCR	Supreme Court Reports (Canada)
S. Ct.	Supreme Court Reports (USA)
SERAC	Social and Economic Rights Action Centre
SIA	social impact assessment
SLSC	Sierra Leone Special Court
SME	small and medium enterprises
SNS	sympathetic nervous system
SPLM	Sudan People's Liberation Movement
SPT	Subcommittee on Prevention of Torture
Stat.	US Statutes at large
STL	Special Tribunal for Lebanon

xxiv Abbreviations

TEU	Treaty on the European Union
TFEU	Treaty on the Functioning of the European Union
TRIPS	Agreement on Trade-Related Aspects of Intellectual Property Rights
TRNC	Turkish Republic of Northern Cyprus
UDHR	Universal Declaration of Human Rights
UHRC	Uganda Human Rights Commission
UK	United Kingdom
UKHL	UK House of Lords
UKSC	UK Supreme Court
UN	United Nations
UNAMID	AU/UN Hybrid operation in Darfur
UNCAC	UN Convention against Corruption
UNCITRAL	UN Commission on International Trade Law
UNCLOS	UN Convention on the Law of the Sea
UNCTAD	UN Conference on Trade and Development
UNDP	UN Development Programme
UNDRIP	UN Declaration on the Rights of Indigenous Peoples
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNGA	UN General Assembly
UNHCR	UN High Commissioner for Refugees
UNICEF	UN International Children’s (Emergency) Fund
UNMIK	UN Mission in Kosovo
UNMIS	UN Mission in Sudan
UNOSAT	UN Operational Satellite Applications Program
UNOSOM	UN Operation in Somalia
UNRIAA	UN Reports of International Arbitral Awards
UNSC	UN Security Council
UNTS	UN Treaty Series
UPR	universal periodic review
US	US Supreme Court [reporter]
US(A)	United States (of America)
USC	United States Codes
VAT	value added tax
VCLT	Vienna Convention on the Law of Treaties
WAF	Women’s Action Forum (Pakistan)
WFS	World Food Summits
WGEID	Working Group on Enforced or Involuntary Disappearances
WHO	World Health Organization

xxv Abbreviations

WLR	Weekly Law Reports (England)
WMA	World Medical Association
WTO	World Trade Organization
ZACC	Constitutional Court of South Africa (reports)

TABLE OF CASES

Arbitration Tribunals

Harry Roberts (USA) *v.* United Mexican States, General Claims
 Commission (Mexico and United States) (1926), 4 R.I.A.A. 77, *page* 12n.30
 Methanex Corp *v.* USA, (UNCITRAL Rules) Merits (3 August 2005), 779n.67
 Netherlands *v.* United States (Island of Palmas case), (1928) 2 UNRIAA 831, 477n.93
 Tinoco Arbitration (Great Britain *v.* Costa Rica), AJIL 18 (1923), 579n.83
 USA-UK Cayuga Indians Arbitral Award, (1926) 6 UNRIAA 173, 477n.93

International Centre for the Settlement of Investment Disputes (ICSID)

Compãnia del Desarrollo de Santa Elena SA *v.* Costa Rica, Merits (17 February
 2000), 778n.63
 Continental Casualty Co *v.* Argentina, Merits (15 September 2008), 576n.67
 El Paso Energy International Company *v.* Argentine Republic, Merits (31 October
 2011), 779n.66
 LG & E *v.* Argentina, Merits (3 October 2006), 576n.66
 Mamidoil *v.* Albania, Merits (30 March 2015), 780n.69
 Postova Banka AS and Istrokapital SE *v.* Greece, Merits (9 April 2015), 780n.70
 Salini Costruttori SpA Italstrade SpA *v.* Morocco, Jurisdiction (23 July 2001),
 781n.72
 Saluka Investments BV *v.* Czech Republic, Partial Award on
 Merits (17 March 2006), 780n.68
 Tecnicas Medioambientales Tecmed SA *v.* Mexico, Merits (29 May 2003), 778n.63
 Wena Hotels Ltd *v.* Egypt, Annulment (5 February 2002), 576n.20

Permanent Court of Arbitration (PCA)

Achmea BV *v.* Slovak Republic, (UNCITRAL Rules) Award on jurisdiction (20 May
 2014), 619n.68
 Hulley Enterprises Ltd (Cyprus) *v.* Russia, PCA Case AA 226 (18 July 2014), 619n.91
 Veteran Petroleum Ltd (Cyprus) *v.* Russia, PCA Case AA 228 (18 July 2014),
 619n.91

xxvii Table of Cases

Yukos Universal Ltd (Isle of Man) *v.* Russia, PCA Case AA 227 (18 July 2014), 619n.91

International Courts, Tribunals and Treaty Bodies

African Commission on Human and Peoples' Rights (ACmHPR)

- Achuthan, Krishna (on behalf of Aleke Banda), Amnesty International (on behalf of Orton and Vera Chirwa), Amnesty International (on behalf of Orton and Vera Chirwa) *v.* Malawi, Communication nos. 64/92-68/92-78/92 (1994), 277n.220
- Al-Asad, Mohammad Abdullah Saleh *v.* The Republic of Djibouti, Communication no. 383/10 (2014), 305n.47
- Amnesty International and Others *v.* Sudan, Communication nos. 48/90, 50/91, 52/91, 89/93 (1999), 385n.258
- Article 19 *v.* Eritrea, Communication no. 275/03 (2007), 80n.176, 278n.223, 300n.17, 384n.256
- Article 19 and Others *v.* Zimbabwe, Communication no. 305/05 (2010), 315n.102
- Association of Victims of Post Electoral Violence and Interights *v.* Cameroon, Communication no. 272/03 (2009), 278n.223, 279n.228, 279n.235
- Centre for Minority Rights Development (Kenya) and Minority Rights Group (on behalf of Endorois Welfare Council) *v.* Kenya, (Endorois case), Communication no. 276/03 (2009), 279n.226, 300n.18, 475n.87
- Chari, Givemore (represented by Gabriel Shumba) *v.* Republic of Zimbabwe, Communication no. 351/2007 (2012), 312n.88
- Constitutional Rights Project *v.* Nigeria, Communication no. 60/91 (1995), 279n.233, 311n.79
- Cudjoe, Alfred B. *v.* Ghana, Communication no. 221/98 (1999), 311n.81
- Darfur Relief and Documentation Centre *v.* Sudan, Communication no. 310/05 (2009), 315n.102
- Democratic Republic of Congo *v.* Burundi, Rwanda and Uganda, Communication no. 227/99 (2003), 278n.224, 304n.33
- Doebbler, Curtis Francis *v.* Sudan, Communication no. 236/2000 (2003), 362n.131
- Egyptian Initiative for Personal Rights and Interights *v.* Arab Republic of Egypt, Communication no. 334/06 (2011), 64n.82, 279n.229, 381n.5
- Elgak, Monim, Hummeida, Osman, and Amir Suliman (represented by FIDH and OMCT) *v.* Sudan, Communication no. 379 /09 (2014), 279n.230, 312n.88, 120n.2
- Free Legal Assistance Group, Lawyers' Committee for Human Rights, Union Interafricaine des Droits de l'Homme, Les Témoins de Jehovah *v.* Democratic Republic of Congo, Communication nos. 25/89-47/90-56/91-100/93 (1996), 277n.220
- Groupe de Travail sur les Dossiers Judiciaires Stratégiques *v.* Democratic Republic of Congo, Communication no. 259/2002 (2013), 346n.30

xxviii Table of Cases

- Hadi Abdel, Radi Ali, & Others *v.* Republic of Sudan, Communication no. 368/09 (2013), 279n.230
- Ilesanmi *v.* Nigeria, Communication no. 268/03 (2005), 311n.81
- Institute for Human Rights and Development in Africa (on behalf of Esmaila Connateh and 13 Others) *v.* Angola, Communication no. 292/04 (2008), 278n.223
- Institute for Human Rights and Development in Africa (on behalf of Sierra Leonean refugees in Guinea) *v.* Guinea, Communication no. 249/02 (2004), 278n.223
- Interights *et al.* (on behalf of Mariette Sonjaleen Bosch) *v.* Botswana, Communication no. 240/2001 (2003), 345n.26
- Interights, Institute for Human Rights and Development in Africa, and Association mauritanienne des droits de l'Homme *v.* Mauritania, Communication no. 242/01 (2004), 300n.18
- International Pen and Others *v.* Nigeria, Communication nos. 137/94, 139/94, 154/96 and 161/97 (1998), 117n.72, 328n.174, 329n.182, 347n.135
- Jawara, Dawda, *v.* The Gambia, Communication nos. 147/95–149/96 (2000), 313n.94
- Katangese Peoples' Congress *v.* Zaire, Communication no. 75/92 (1995), 457n.21
- Majuru, Michael *v.* Zimbabwe, Communication no. 308/05 (2008), 315n.102
- Malawi African Association, Amnesty International, Ms Sarr Diop, Union interafricaine des droits de l'Homme and RADDHO, Collectif des veuves et ayants-Droit, Association mauritanienne des droits de l'Homme *v.* Mauritania, Communication nos. 54/91–61/91–96/93–98/93–164/97–196/97–210/98 (2000), 278n.220
- Media Rights Agenda and Others *v.* Nigeria, Communication nos. 105/93, 128/94, 130/94, 152/96 (1998), 275n.205
- Modise, John K. *v.* Botswana, Communication no. 97/93 (2000), 280
- Mouvement Burkinabé des Droits de l'Homme et des Peuples *v.* Burkina Faso, Communication no. 204/97 (2001), 384n.254
- Mouvement ivoirien des droits humains (MIDH) *v.* Côte d'Ivoire, Communication no. 246/02 (2008), 278n.223
- Organisation mondiale contre la torture, Association Internationale des juristes démocrates, Commission internationale des juristes, Union interafricaine des droits de l'Homme *v.* Rwanda, Communication nos. 27/89–46/91–49/91–99/93 (1996), 277n.220
- Prince, Garreth Anver *v.* South Africa, Communication no. 255/02 (2004), 279n.234
- Purohit and Moore *v.* The Gambia, Communication no. 241/2001(2003), 312n.90
- Social and Economic Rights Action Center (SERAC) and Center for Economic and Social Rights (CESR) *v.* Nigeria (Ogoniland case), Communication no. 155/96 (2001), 278n.225, 279, 280n.239, 300n.18, 353n.77
- Spilg and Mack & Dithwanelo (on behalf of Lehlohonolo Bernard Kobedi) *v.* Botswana, Communication no. 277/2003 (2013), 347n.41

xxix Table of Cases

Sudan Human Rights Organisation and Centre on Housing Rights and Evictions (COHRE) *v.* Sudan, Communication nos. 279/03-296/05 (2009), 279n.227, 280n.239, 312n.86, 312n.129

Tembani, Luke Munyandu and Freeth, Benjamin John (represented by Norman Tjombe) *v.* Angola and Thirteen Others, Communication no. 409/12 (2013), 285n.266

UN Declaration on Rights of Indigenous Peoples, Advisory opinion no. 74/92 (2007), 475n.86

Union interafricaine des droits de l'Homme, Fédération internationale des ligues des droits de l'Homme, RADDHO, Organisation nationale des droits de l'Homme au Sénégal and Association malienne des droits de l'Homme *v.* Angola, Communication no. 159/96 (1997), 277n.220

Zimbabwe Human Rights NGO Forum *v.* Zimbabwe, Communication no. 245/02 (2006), 278n.223, 279n.228, 280n.237, 350n.57

Zimbabwe Lawyers for Human Rights and Associated Newspapers of Zimbabwe *v.* Zimbabwe, Communication no. 284/03 (2009), 298n.8

Zitha, J. E. and P. J. L. Zitha *v.* Mozambique, Communication no. 361/08 (2011), 308n.64

African Committee of Experts on the Rights and Welfare of the Child (ACtERWC)

IHRDA and Open Society Justice Initiative (OSJI) (on behalf of children of Nubian descent in Kenya) *v.* Kenya, Communication no. 002/09 (2011), 281n.2, 545n.97

The Centre for Human Rights (University of Pretoria) and La Rencontre Africaine Pour la Defense des Droits de l'Homme (Senegal) *v.* Government of Senegal, Decision No. 003/Com/001/2012 (2014), 352n.75, 545n.95

African Court on Human and Peoples' Rights (ACtHPR)

African Commission on Human and Peoples' Rights *v.* Great Socialist People's Libyan Arab Jamahiriya, App. no. 004/2011, Order of provisional measures (25 March 2011), 284n.258

Falana, Femi *v.* The African Union (Dissenting Opinion - Sophia Akuffo, Bernard Ngoepe & Elsie Thompson), App. no. 001/2011 (26 June 2012), 283n.252, 301n.23

Konaté, Lohé Issa *v.* Burkina Faso, App. no. 004/2013 (5 December 2014), 283n.256

Mbozo'o Samuel, Efoua *v.* the Pan African Parliament, App. no. 010/2011 (30 September 2011), 301n.23

Request for an Advisory Opinion by Pan African Lawyers' Union and the Southern Africa Litigation Centre, Order 002/2012 (15 March 2013), 285n.267

Yogogombaye, Michelot *v.* The Republic of Senegal, App. no. 01/2008, (15 December 2009), 283n.254, 301n.22, 335n.194

xxx Table of Cases

Zongo, Norbert, and Others *v.* Burkina Faso, App. no. 013/2011 (28 March 2014), 283n.255
Zongo, Norbert, and Others *v.* Burkina Faso, App. no. 013/2011, Judgment on Reparations (5 June 2015), 283n.257, 322n.145, 782n.2

Caribbean Court of Justice (CCJ)

BCB Holdings Ltd and Belize Bank Ltd *v.* Attorney-General of Belize, [2013] CCJ 5 (AJ), 322n.74, 782n.2

Committee against Torture (CtAT)

Agiza *v.* Sweden, Communication no. 233/2003 (20 May 2005), 222n.157, 223, 744n.105
A. H. *v.* Sweden, Communication no. 265/2005 (16 November 2006), 310n.78
Attia *v.* Sweden, Communication no. 199/2002 (17 November 2003), 222n.157
Bairamov *v.* Kazakhstan, Communication no. 497/2012 (14 May 2014), 222n.161
Barry *v.* Morocco, Communication no. 372/2009 (19 May 2014), 222n.159
Bendib *v.* Algeria, Communication no. 376/2009 (8 November 2013), 222n.160
Dimitrijevic *v.* Serbia and Montenegro, Communication no. 207/2002 (24 November 2004), 222n.162
Dzemajil, Hajriz, *et al.* *v.* Serbia and Montenegro, Communication no. 161/2000 (21 November 2002), 223n.163
Elmi *v.* Australia, Communication no. 120/1998 (14 May 1999), 222n.158, 359n.111
Evloev *v.* Kazakhstan, Communication no. 441/2010 (5 November 2013), 222n.161
Guengueng *v.* Senegal, Communication no. 181/2001 (17 May 2006), 223n.164, 335n.192
Guridi *v.* Spain, Communication no. 212/2002 (17 May 2005), 222n.162, 364n.147, 605n.27
Hanafi *v.* Algeria, Communication no. 341/2008 (3 June 2011), 222n.162
H. M. H. I. *v.* Australia, Communication no. 177/2001 (1 May 2002), 764n.11
Keremedchiev *v.* Bulgaria, Communication no. 257/2004 (11 November 2008), 222n.162
Latief, Bouabdallah *v.* Tunisia, Communication no. 189/2001 (14 November 2003), 222n.162
Nikolic *v.* Serbia and Montenegro, Communication no. 174/2000 (24 November 2005), 222n.162
Niyonzima *v.* Burundi, Communication no. 514/2012 (13 January 2015), 316n.105
Njamba and Balikosa *v.* Sweden, Communication no. 322/2007 (14 May 2010), 317n.115
Osmani *v.* Serbia, Communication no. 261/2005 (8 May 2009), 223n.163

xxxi Table of Cases

P. K. and Others *v.* Spain, Communication no. 323/2007 (11 November 2008),
 299n.10, 305n.43
 Sonko *v.* Spain, Communication no. 368/2008 (25 November 2011), 222n.162

**Committee on the Elimination of Discrimination against Women
 (CtEDAW)**

Abramova *v.* Belarus, Communication no. 23/2009 (25 July 2011), 225n.180
 A. T. *v.* Hungary, Communication no. 2/2003 (26 January 2005), 225n.172,
 505n.79
 De Blok *v.* The Netherlands, Communication no. 36/2012 (17 February 2014),
 225n.177
 E. S. and S. C. *v.* United Republic of Tanzania, Communication no. 48/2013 (2
 March 2015), 225n.175
 Goekce *v.* Austria, Communication no. 5/2005 (6 August 2007), 224n.170
 González Carreño *v.* Spain, Communication no. 47/2012 (16 July 2014), 224n.170
 Jallow *v.* Bulgaria, Communication no. 32/2011 (23 July 2012), 224n.170
 Kell *v.* Canada, Communication no. 19/2008 (28 February 2012), 225n.174
 L. C. *v.* Peru, Communication no. 22/2009 (17 October 2011), 225n.176
 R. K. B. *v.* Turkey, Communication no. 28/2010 (24 February 2012), 225n.178
 R. B. P. *v.* Philippines, Communication 34/2011 (21 February 2014), 506n.83
 S. V. P. *v.* Bulgaria, Communication no. 31/2011 (12 October 2012), 224n.171
 Teixeira *v.* Brazil, Communication no. 17/2008 (25 July 2011), 225n.173
 Vertido *v.* The Philippines, Communication no. 18/2008 (16 July 2010), 79n.168,
 225n.179, 506n.83
 V. K. *v.* Bulgaria, Communication no. 20/2008 (25 July 2011), 224n.170
 Yildirim *v.* Austria, Communication no. 6/2005 (6 August 2007), 224n.170

Committee on the Elimination of Racial Discrimination (CERD)

Adan *v.* Denmark, Communication no. 43/2008 (14 August 2010), 220n.145
 Ahmad *v.* Denmark, Communication no. 16/1999 (13 March 2000), 220n.145
 Dawas and Shava *v.* Denmark, Communication no. 46/2009 (6 March 2012),
 220n.145
 Durmic *v.* Serbia and Montenegro, Communication no. 29/2003 (6 March
 2006), 221n.152
 Gelle *v.* Denmark, Communication no. 34/2004 (6 March 2006), 220n.145
 Hagan *v.* Australia, Communication no. 26/2002 (20 March 2003), 220n.148
 Koptova *v.* Slovak Republic, Communication no. 13/1998 (8 August 2000),
 220n.150
 L. G. *v.* Republic of Korea, Communication no. 51/2012 (1 May 2014), 220n.149
 L. K. *v.* Netherlands, Communication no. 4/1991 (16 March 1993), 220n.145
 Ms L. R. *et al.* *v.* Slovak Republic (Dobsina), Communication no. 31/2003 (7 March
 2005), 220n.151