

# **CONTENTS**

	Table of Cases	page xxi
	List of Abbreviations	lix
	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	24
	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	28
1.4	The Idea of Human Rights: Theories and Critiques	30
	1.4.1 Moral and Liberal Human Rights Theories	31
	1.4.2 Meeting the Challenge: Reconstructing Human Rights	33
1.5	Universal Human Rights: Contestations and Practices	36
	1.5.1 The Debate	36
	Interview 1.1: Human Rights and the Uprisings in the Arab World	
	(Moataz El Fegiery)	41
	1.5.2 Experiences in Combating Female Genital Cutting/Mutilation	45
	Further Reading	49



#### viii Contents

2	International Human Rights Law: The Normative Framework	50
2.1	Introduction	50
2.2	Sources	53
	2.2.1 Treaties	53
	2.2.1.1 Treaty-making	53
	2.2.1.2 Reservations	56
	2.2.2 Customary International Law	60
	2.2.2.1 The UDHR and Customary International Law	63
	2.2.3 Judicial Decisions as Source of Law	64
	2.2.4 Soft Law	66
	2.2.5 UNDRIP: A Soft Law Success Story?	67 69
2.3	2.2.6 <i>Jus Cogens</i> and <i>Erga Omnes</i> Principles, Rights, Obligations and Scope of Application	
2.3	2.3.1 Principles	<b>7</b> 3
	2.3.2 The Concept of Rights	73 74
	2.3.3 The Right to Equality and Non-discrimination	78
	2.3.4 Obligations	79
	2.3.5 Derogation in Times of Emergency	80
	2.3.6 Scope of Application	83
2.4	Implementation	84
	2.4.1 The Role of National Human Rights Institutions	88
	Interview 2.1: Reflections on the Work of Uganda's Human Rights	
	Commission (Med S. K. Kaggwa)	89
2.5	State Responsibility and Human Rights Treaties as	
	Self-contained Regimes	93
2.6	Practical Application: The Role of Law Reform	95
	Interview 2.2: The Campaign to Repeal Pakistan's <i>Hudood</i> Laws	
	(Sohail A. Warraich)	99
	Further Reading	102
_		
3	Human Rights in Practice	103
3.1	Introduction	103
3.2	Civil Society	104
3.3	Social Movements	106
3.4	NGOs	108
	3.4.1 General Considerations	108
	3.4.2 Human Rights NGOs	111
<b>.</b> -	3.4.3 Assessing the Role of Human Rights NGOs	112
3.5	Human Rights Defenders	117
2.0	Case Study 3.1: NGOs and Human Rights Protection in Sudan	121
3.6	Legal Professionals and Human Rights	122
3.7	Health Professionals and Human Rights	126
3.8	Human Rights Field Officers	127



# ix Contents

	Interview 3.1: Experiences of a UN Human Rights Officer	
	(Huma Shakeb Khan)	129
3.9	Human Rights Strategies	131
	3.9.1 Documentation and Fact-finding	131
	Interview 3.2: Documenting Human Rights Violations in Volatile	
	Environments: The Libyan Experience (Elham Saudi)	135
	3.9.2 Human Rights Reporting	139
	3.9.3 Monitoring	142
	3.9.4 Advocacy	144
	3.9.5 Awareness-raising, Capacity-building and Human Rights	
	Education	147
	Case Study 3.2: Responding to Serious Human Rights Violations	
	in Darfur, Sudan - Strategies, Critiques, Impact	151
	Further Reading	155
4	The United Nations Charter System	156
4.1	Introduction	156
4.2	The Human Rights Dimension of the Charter	158
4.3	The Office of the High Commissioner for Human Rights	161
4.4	The HRC	162
	4.4.1 The UPR	166
	4.4.2 The HRC's Complaints Procedure	170
4.5	Special Procedures	173
	Interview 4.1: With Former UN Independent Expert (Cephas Lumina)	176
	4.5.1 Communications	177
	4.5.2 Country Visits	178
	4.5.3 Annual Reports	179
	Case Study 4.1: Reprisals against Those Collaborating with UN	
	Human Rights Procedures	180
4.6	The UNGA and Human Rights	181
4.7	The UNSC	183
	4.7.1 Fact-finding in Practice: The UN Mission in the Gaza Conflict	188
	Further Reading	192
5	The UN Human Rights Treaty System	194
5.1	Introduction	194
5.2	Common Features of International Human Rights Treaty Bodies	196
5.3	Reporting Procedure	200
	5.3.1 Overview	200
	Interview 5.1: Using Shadow Reports to Promote Gender Equality	
	and Combat Sexual Violence: South Africa	
	(Lesley Ann Foster)	204
	5.3.2 Strengthening the Reporting Procedure	207



## x Contents

5.4	Genera	al Comments/Recommendations	211
5.5	Compl	aints Procedures and Jurisprudence of Treaty Bodies	214
	5.5.1	Overview	214
	5.5.2	The HRCtee	217
	5.5.3	Breadwinners, Social Security and Discrimination:	
		Zwaan-de Vries v. The Netherlands	220
	5.5.4	The CERD	222
	5.5.5	Still Facing Discrimination: Durmic v. Serbia and	
		Montenegro	223
	5.5.6	The CtAT	224
	5.5.7	Rendered Defenceless: Agiza v. Sweden	226
	5.5.8	The CtEDAW	227
	5.5.9	'We Don't Believe You': Vertido v. The Philippines	229
	5.5.10	The CtRPD	230
	5.5.11	Shortchanged: Nyusti and Takács v. Hungary	232
	5.5.12	Achievements and Challenges	233
	Interv	iew 5.2: Working for the CESCR (Eibe Riedel)	234
	Furthe	er Reading	237
6	Regio	nal Human Rights Treaty Systems	239
6.1	Introd	uction	239
6.2	The Eu	ıropean Human Rights System	241
	6.2.1	0verview	241
	6.2.2	The ECHR	243
	6.2.3	Key Institutions	245
	6.2.4	The ECtHR: Structure and Functions	245
	6.2.5	Jurisprudence of the ECtHR	246
		6.2.5.1 Development of the ECtHR's Jurisprudence	246
		6.2.5.2 The ECtHR's Interpretation of the ECHR	249
		6.2.5.3 Responses to the ECtHR's Jurisprudence	251
	6.2.6	Impact	253
	Interv	iew 6.1: The Nature and Impact of Litigation Concerning Turkey	
	_	(Başak Çali)	255
	Interv	iew 6.2: The Nature and Impact of Litigation Concerning	
		Turkey and Russia (Bill Bowring)	258
		The Struggle for Efficiency, Effectiveness and Institutional	
		Reforms	261
		The EU	264
6.3		ter-American Human Rights System	267
		Overview	267
		The IACHR	269
	6.3.3	The IACtHR	271



xi Contents

	6.3.4 Impact	276
	Interview 6.3: An Intimate Experience of the IACtHR as Litigant	
	and Senior Staff Attorney (Oswaldo Ruiz-Chiriboga)	277
6.4	The African Human Rights System	280
	6.4.1 Overview	280
	6.4.2 The ACmHPR	283
	Case Study 6.1: <i>Modise</i> v. <i>Botswana</i> and the Question of	
	Nationality Rights	287
	6.4.3 Impact	287
	6.4.4 The ACtHPR	289
	6.4.5 African Regional Economic Courts	291
	Interview 6.4: Making the System Work (Ibrahima Kane)	293
6.5	The Arab Human Rights System	297
6.6	Towards an Asian Human Rights System?	298
6.7	Comparison of Regional Systems	300
	Further Reading	301
7	Individual Complaints Procedures	304
7.1	Introduction	304
7.2	Admissibility	306
	7.2.1 Jurisdiction	307
	7.2.1.1 Rationae Personae: Who can Bring a Complaint?	307
	7.2.1.2 Against Whom can a Complaint be Brought?	310
	Case Study 7.1: Protection against the Implementation of UNSC	
	Sanctions: Sayadi and Vinck v. Belgium	312
	7.2.1.3 Rationae Materiae: What Rights?	313
	7.2.1.4 Jurisdiction in Respect of Extraterritorial Conduct	313
	7.2.1.5 The Long Reach of the ECHR: Al-Skeini v. UK	316
	7.2.1.6 Rationae Temporis: When?	318
	7.2.2 Exhaustion of Domestic Remedies	319
	7.2.2.1 What Remedies Must be Exhausted?	320
	7.2.2.2 'An Affront to Common Sense and Logic':	
	Dawda Jawara v. The Gambia	323
	7.2.3 Other Procedural Requirements	324
	7.2.3.1 Time Limits	324
	7.2.3.2 Duplication	325
	7.2.3.3 Well-foundedness	326
	7.2.3.4 Abuse of Rights	326
	7.2.3.5 Anonymity	327
7.3	Merits	327
7.4	Decisions by Human Rights Treaty Bodies	330
7.5	Implementation of Decisions and Judgments	333



#### xii Contents

	Case Study 7.2: Restoring Ancestral Lands to Indigenous Peoples –	227
7.6	Mayagna (Sumo) Awas Tingni Community v. Nicaragua	337 338
7.0	Additional Procedural Options 7.6.1 Interim Measures	338
	7.6.2 Friendly Settlements	340
	Interview 7.1: Nepal before the Human Rights Committee (Mandira	340
	Sharma)	341
7.7	The <i>Hissène Habré</i> Case: The Interplay between Domestic,	741
1.1	Regional and International Proceedings	345
	Further Reading	348
	Turtier Reduing	510
8	Civil and Political Rights	350
8.1	Introduction	350
8.2	The Right to Life	351
	8.2.1 Practice	351
	8.2.2 Sources	353
	8.2.3 The Prohibition of Arbitrary Deprivation of Life	353
	8.2.4 McCann v. United Kingdom: Absolute Necessity in the	
	European Court of Human Rights's Jurisprudence	354
	Case Study 8.1: The Killing of Bin Laden and the Right to Life	356
	8.2.5 The Death Penalty under International Law	357
	8.2.6 Positive Obligations to Protect the Right to Life	359
	8.2.6.1 Providing Protection against Threats to Life	360
	8.2.6.2 Duty to Investigate, Prosecute and Punish and to	
	Provide Redress	362
	8.2.7 A Right to Survival?	363
8.3	The Right to be Free from Torture and Other Ill-treatment	365
	8.3.1 Practice	365
	8.3.2 Sources	367
	8.3.3 The Absolute Prohibition of Torture	367
	8.3.4 The Case of <i>Gäfgen</i> and the German Torture Debate	368
	8.3.5 The Definition of Torture and Other Forms of Ill-treatment	
	and Punishment	370
	8.3.6 Obligations	375
	Interview 8.1: The Role of Medical Documentation in Combating	
	Torture: İstanbul Protocol (Dr Önder Özkalipçi)	377
8.4	The Right to Liberty and Security of Person	380
	8.4.1 Practice	380
	8.4.2 Sources	381
	8.4.3 Scope of the Right to Liberty and Security	381
	8.4.4 Justification of Arrest and Detention	382
	8.4.5 Administrative Detention: Law and Power in the Pursuit	
	of Policy	385



## xiii Contents

8.5	The Right to a Fair Trial	389
	8.5.1 Practice	389
	8.5.2 Sources	390
	8.5.3 Main Features of the Right to a Fair Trial	391
	8.5.3.1 General Principles	391
	8.5.3.2 Criminal Proceedings	392
	Case Study 8.2: The Problem with Military and Special Courts	394
8.6	Enforced Disappearance as Multiple Human Rights Violation	395
	Interview 8.2: Inquiries into Enforced Disappearances in Sri Lanka	
	(M. C. M. Iqbal)	399
8.7	Qualified Rights, with a Particular Focus on Freedom of Expression	403
	8.7.1 Practice	403
	8.7.2 Sources	404
	8.7.3 Freedom of Religion vs Freedom of Expression	406
	8.7.4 To Wear or Not to Wear: Freedom of Conscience and Religion,	
	the Rights of Women and the Veil	408
	Further Reading	410
9	Economic, Social and Cultural Rights	412
9.1	Introduction	412
9.2	Brief Historical Context of ESC Rights	413
9.3	Progressive Realisation and the Nature of State Obligations	416
9.4	Resource Implications: The Obligation to Utilise 'Maximum Available	110
Э.Т	Resources'	421
	Case Study 9.1: United States Budget Allocated to Primary	121
	and Secondary Education	426
9.5	Minimum Core Obligations	426
9.6	Justiciability of ESC Rights	429
5.0	9.6.1 Individual Communications and the ICESCR Optional Protocol	433
	9.6.2 The ECSR	434
9.7	Extraterritoriality of ESC Rights	436
9.8	Indicators and Benchmarks for Measuring Compliance	437
5.0	Case Study 9.2: Indicators on the Right to Food	442
9.9	The Right to Health	443
5.5	Interview 9.1: Greek NGO Implements the Right to Health for	773
	the Socially Excluded (Tzanetos Antypas)	445
9.10	The Right to Water	447
5.10	Case Study 9.3: The Deprivation of Water Rights as Cruel	77/
	and Inhuman Treatment	450
9.11	The Right to Education	450
9.12	The Right to Food	453
9.13	Cultural Rights	457
J. 1J	Further Reading	461
	i utilici icautiig	401



xiv Contents

10	Group Rights: Self-determination, Minorities and Indigenous Peoples	463
10.1	Introduction	463
10.2	The Nature of Collective Rights	464
. 0.2	10.2.1 External Self-determination	466
	10.2.2 Exceptionalism in the External Dimension of	100
	Self-determination	470
	10.2.3 A Test for Sovereignty in the Era of Fiscal 'Occupation'	472
	Case Study 10.1: Participatory Budgeting in Porto Alegre, Brazil	476
10.3	Minorities as a Subject of Human Rights	478
	10.3.1 The Historical and Political Context: Should Minorities	
	be Treated Differently from Majorities?	480
	10.3.2 Membership Rights	483
	Case Study 10.2: The Malay Bumiputra Policy	488
10.4	Indigenous Peoples: Is there a Need for Additional Protection?	490
	10.4.1 Indigenous Rights over Traditional Lands	494
	10.4.2 Indigenous Land Rights in Contemporary International Law	495
	10.4.3 Indigenous Ownership as a Right to Property	497
	10.4.4 Special Considerations in the Design of Indigenous Peoples'	
	Development Plans within the World Bank	501
	10.4.5 The Chad-Cameroon Pipeline and the Baka/Bakola:	
	What to Look for in Social Impact Assessments	504
	Further Reading	506
11	The Human Rights of Women	508
11.1	Introduction	508
11.2	Normative Framework	510
	11.2.1 Key Violations of Women's Human Rights: The Convention on the Elimination of All Forms of Discrimination against	
	Women	510
	11.2.2 Critiques of CEDAW	513
	11.2.3 CEDAW, Violence against Women and Reproductive Rights	515
11.3	Conceptual Development	526
	11.3.1 The Development of Feminist Legal Theory and Women's	
	Human Rights	526
	11.3.2 Critiques of Liberal and Non-discrimination Approaches	
	to Women's Human Rights	528
	11.3.3 Critiques of 'Western' Feminist Approaches to Women's Human	
	Rights	530
	11.3.4 Sex, Gender and Sexuality	534
11.4	Women's Human Rights and Domestic Contexts: 'Honour Crimes'	
	in the English Legal System	535
	11.4.1 Definitions and Concepts of 'Honour'	536



xv Contents

	11.4.2 Practical Legal Approaches to 'Honour Crimes': Culture,	
	Gender and Mainstreaming	537
	11.4.3 Non-state Actors and Due Diligence: A Human Rights	
	Response?	539
	Case Study 11.1: Banaz Mahmod	541
	Further Reading	543
12	Children's Rights	544
12.1	Introduction	544
12.2	Childhood: A Non-static Concept	545
12.3	The Need for a Specialised Protection Regime	547
12.4	Fundamental Principles	549
	12.4.1 The Child's Best Interests	550
	12.4.2 The Child's Right to be Heard	553
	12.4.3 Right to Life, Survival and Development	555
	12.4.3.1 Child Soldiers	556
	12.4.4 Non-discrimination	559
	Case Study 12.1: Discrimination against Fathers in Custody	
	Proceedings: The Critical Role of Neuroscience	560
	Interview 12.1: The State of Children's Rights (Benyam Dawit	
	Mezmur)	563
12.5	Children's Right to be Free from Poverty	567
	Case Study 12.2: Anti-child Poverty Legislation in the United	
	Kingdom and Austerity Measures	572
	Further Reading	576
13	The Recognition and Protection of the Human Rights	
	of Vulnerable Groups and Persons	577
13.1	Introduction	577
13.2	Vulnerability and International Human Rights Law	578
13.3	Vulnerable Groups and Persons	581
	13.3.1 Race	581
	13.3.2 Gender, Gender Identity and Sexual Orientation	585
	Case Study 13.1: A Family Life before National and Regional Courts	588
	13.3.3 Persons with Disabilities	589
	13.3.4 Persons Living in Extreme Poverty	593
	Interview 13.1: Into the Heart of Everyday Violence and Human Rights	
	Violations: Conducting Research on, and with,	
	Marginalised and Vulnerable Persons (Morten Koch	
	Andersen)	596
	13.3.5 Old Age	598
	13.3.6 Refugees and Migrants	601
	13.3.6.1 The Protection of Persons in Flight or Movement	601



# xvi Contents

	13.3.6.2 The Protection of Refugees in International Law	604
	13.3.6.3 The Protection of Migrants	612
	Further Reading	616
14	The Right to Development and Sustainable Development	619
14.1	Introduction	619
14.2	From Human Development to Sustainable Development	620
14.3	The Right to Development	628
	14.3.1 Making the RTD Justiciable	636
	14.3.2 Justiciability of Sustainable Development	639
	Case Study 14.1: Justiciability of Sustainable Development Claims	642
14.4	Global Partnerships for the Financing of Development	643
14.5	From the MDGs to the SDGs	649
	Interview 14.1: Microfinance Non-governmental Organisation	
	(NGO) (Ramanou Nassirou)	652
14.6	Sovereign Debt and the Enjoyment of Fundamental Rights	654
	14.6.1 Accumulation of Sovereign Debt and its Human Rights	
	Dimension	654
	14.6.2 Odious, Illegal and Illegitimate Debt	658
	14.6.3 Unsustainable Debt	661
	Case Study 14.2: The Parliamentary Committee on the Truth about	
	the Greek Debt: The Artificiality of Greek Debt	
	and its Odious Nature	663
	Further Reading	666
15	Victims' Rights and Reparation	668
15.1	Introduction	668
15.2	The Development of the Right to Reparation	671
15.3	The Right to Reparation in International Human Rights Law	672
	15.3.1 Treaties and UN Declarations	672
	15.3.2 Practice at the Inter-state Level	675
	15.3.3 State Practice at the National and Transnational Level	676
15.4	The Right to Reparation in International Humanitarian Law	678
15.5	The Right to Reparation in International Criminal Law	679
15.6	The Right to Reparation and Violations by Non-state Actors	681
15.7	The Right to Reparation for Historical Injustices and Violations	682
15.8	The Notion and Legal Significance of the Term 'Victim'	684
15.9	The Procedural Right to an Effective Remedy	685
	15.9.1 Overview	685
	15.9.2 The Nexus between Civil and Criminal Proceedings:	
	Rajapakse v. Sri Lanka	686
	15.9.3 The Right to Property, and the Choice between Investment	
	Arbitration and Human Rights Avenues	687



xvii	Contents	
15.10	The Substantive Right to Reparation	689
	15.10.1 State Responsibility	689
	15.10.2 Liability	689
	15.10.3 Standard of Reparation	690
	15.10.4 Forms of Reparation	690
	15.10.5 Restitution	691
	15.10.6 Compensation	692
	15.10.7 Types of Damages	692
	15.10.8 Proyecto de Vida: Loayza Tamayo v. Peru	695
	15.10.9 Should Previous Conduct be Taken into Consideration when	
	Awarding Compensation?	696
	15.10.10 Rehabilitation	697
	15.10.11 Satisfaction	698
	15.10.12 Guarantees of Non-repetition	700
	15.10.13 Reparation for the Violation of Collective Rights: Saramaka	
	People v. Suriname	700
	15.10.14 A Brief Assessment and Outlook	701
15.11	The Double-edged Sword of Victims' Politics	702
15.12	Negotiating, Litigating and Administering Reparations: Experiences	
	from the Holocaust and World War II Reparations	705
15.13	Reparation in Action: Litigating Human Rights Cases	708
	15.13.1 Litigation Strategies	708
	15.13.2 Pursuing Reparation Claims, with Particular Reference	
	to Litigating Torture Cases	709
	Interview 15.1: Litigation, Advocacy and Social Change	
	(Basil Fernando)	711
	Further Reading	717
16	The Application of Human Rights in Armed Conflict	718
16.1	Introduction	718
16.2	The Fundamental Premises of IHL	719
	16.2.1 Distinction between Combatants and Non-combatants	719
	16.2.2 Restricted Targeting of Military Objects	721
	16.2.3 Means and Methods of Warfare are Not Unlimited	723
16.3	Rights and Obligations in Humanitarian Law	724
16.4	Humanitarian Law as Lex Specialis to Human Rights Law	726
16.5	Why Human Rights Bodies Find the Application of Humanitarian	
	Law Problematic	728
16.6	Human Rights in Situations of Military Occupation	731
	16.6.1 The Extraterritorial Application of Human Rights in Occupied	
	Territories	734
	16.6.2 The Effective Control Test	736
	16.6.3 The Decisive Influence Test	738



xviii	Contents	
16.7	The Relevance of the Law to Battlefield Conditions	739
	16.7.1 Human Physiology in Combat Situations	739
	Interview 16.1: Battlefield Compliance (Charles Garraway and Anon.) 16.7.2 The Dilution of Humanitarian Law and Problems in Ensuring	742
	Compliance	746
	Further Reading	750
17	Human Rights and International Criminal Justice	751
17.1	Introduction	751
17.2	Relationship between International Criminal Law and	
	Human Rights	752
17.3	Individual Criminal Liability under International Law	755
	Case Study 17.1: International Criminal Liability at the	
	Nuremberg Trial	756
17.4	The Enforcement of International Criminal Law	757
17.5	Universal Jurisdiction	761
17.6	Peace vs International Criminal Justice	765
	Interview 17.1: Former Chief Public Prosecutor and Director of	
	the Norwegian National Authority for Prosecution of	
	Organised and Other Serious Crime (Siri Frigaard)	772
17.7	Core International Crimes	775
	17.7.1 Genocide	776
	17.7.2 Crimes against Humanity	779
17.8	The Place of Immunities in Human Rights and International	
	Criminal Justice	782
	Further Reading	784
18	Human Rights and Counter-terrorism	785
18.1	Introduction	785
18.2	The Legal Nature of Terrorism	787
18.3	The Discussion on Underlying or Root Causes	789
18.4	The Obligation of States to Protect their Populations from Terrorism	792
	Case Study 18.1: Finogenov and Chernetsova v. Russia: European	
	Court of Human Rights Admissibility Decision	
	of 18 March 2010	794
18.5	Human Rights in Counter-terrorism Operations	796
	18.5.1 Anti-terrorist Legislation and the Principle of Legality	798
	18.5.2 Permissible Restrictions and Derogations Arising from	
	Terrorist Threats	800
18.6	The Right to Life in Counter-terrorism Operations	804
	18.6.1 Situations when Lethal Force is Permissible	804
	18.6.2 Targeted Killings and 'Shoot-to-kill' Strategies	806
18.7	Attempts to Justify Arbitrary Detention	809



XIX	Contents

18.8	Unlawful Extraditions and Illegal Renditions of Suspected Terrorists 18.8.1 Washing One's Hands and Hiding Every Trace 18.8.2 From Arbitrary Detention and Unlawful Extradition	813 813
	the Road to Torture is Open	816
	Case Study 18.2: <i>Al-Rabiah</i> v. <i>USA</i>	819
18.9	Legal and Other Strategies Regarding Disappeared Terrorist Suspects	821
1015	18.9.1 The Potency of Advocacy and Outreach	821
	18.9.2 Tracing Strategies and Release Arguments	822
	18.9.3 Advocacy Strategies	825
	18.9.4 Counter-terrorism: The Real Testing Ground for <i>Erga Omnes</i>	827
	Interview 18.1: Legal Defender of Guantánamo Detainees	
	(Clive Stafford Smith)	829
	Further Reading	830
19	Human Rights Obligations of Non-state Actors	832
19.1	Introduction	832
19.2	The Status of NSAs in Human Rights Law	833
19.3	Multinational Corporations in the Human Rights Architecture	838
	19.3.1 MNCs as Foreign Investors	838
	19.3.2 Human Rights and Foreign Direct Investment	840
	19.3.3 Emerging Human Rights Obligations of MNCs in Multilateral	
	Treaties and Soft Law	846
	19.3.4 MNC Liability under Tort Law	849
	19.3.5 MNCs as Influencers and their Due Diligence Obligations Case Study 19.1: Unilateral Repudiation of Arbitral Awards Violating	853
	Constitutional Guarantees	856
19.4	Human Rights Obligations of International Organisations	857
	19.4.1 General Obligations	857
	Case Study 19.2: Non-consideration of Economic and Social Rights	862
	by the IMF in Tanzania 19.4.2 International Organisations as Violators of Human Rights:	002
	The Need for Dual Attribution	862
	Case Study 19.3: Complicity of States through/with IGOs	868
19.5	National Liberation Movements and Armed Rebel Groups	869
13.3	19.5.1 'To Suffer thy Comrades': Responding to Human Rights	003
	Abuses by NSAs in the Philippines	871
	Interview 19.1: Judge and Activist on Philippines' Armed Groups	0
	(Soliman M. Santos)	873
	Further Reading	876
20	Globalisation and its Impact on Human Rights	878
20.1	Introduction	878
20.2	The Origins and Nature of Globalisation	880



****	Comtonto
XX	Contents

20.2	D (1. T. '. /' / Mr. 1.1 . CT 1. I.'l I' /' D /	
20.3	Does the Existing Model of Trade Liberalisation Promote	
	Development and Alleviate Poverty?	883
	20.3.1 Liberalisation of Agriculture and its Impact on Food Security	888
	Case Study 20.1: Liberalisation of Zambia's Maize Production	890
	Interview 20.1: The Director of Food First (Eric Holt-Giménez)	891
20.4	How Intellectual Property Rights Hinder Access to Essential	
	Medicines for the Poorest	893
	Case Study 20.2: Biopiracy and the Mayocoba Bean	895
20.5	The McLibel Case: Sales Globalisation and its Impact on Rights	896
	Further Reading	899
	Index	901