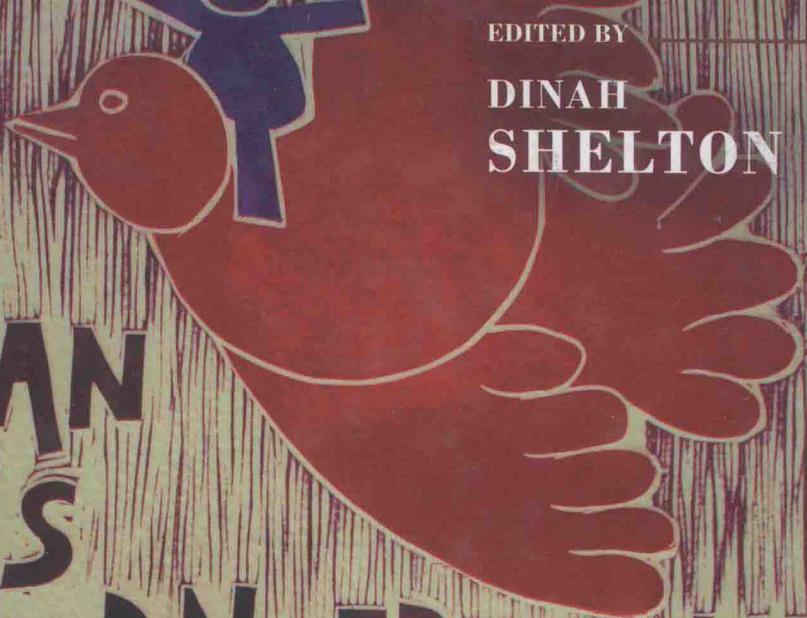


EDITED BY

DINAH
SHELTON



ALL
HUMAN
BEINGS
ARE BORN FREE AND
EQUAL IN DIGNITY
AND RIGHTS
THEY ARE ENDOWED WITH
REASON AND CONSCIENCE

The Oxford Handbook of
INTERNATIONAL
HUMAN RIGHTS LAW

THE OXFORD HANDBOOK OF

INTERNATIONAL
HUMAN RIGHTS
LAW

Edited by
DINAH SHELTON

OXFORD
UNIVERSITY PRESS

OXFORD
UNIVERSITY PRESS

Great Clarendon Street, Oxford, OX2 6DP,
United Kingdom

Oxford University Press is a department of the University of Oxford.
It furthers the University's objective of excellence in research, scholarship,
and education by publishing worldwide. Oxford is a registered trade mark of
Oxford University Press in the UK and in certain other countries

© The several contributors 2013

The moral rights of the authors have been asserted

First Edition published in 2013

Impression: 2

All rights reserved. No part of this publication may be reproduced, stored in
a retrieval system, or transmitted, in any form or by any means, without the
prior permission in writing of Oxford University Press, or as expressly permitted
by law, by licence or under terms agreed with the appropriate reprographics
rights organization. Enquiries concerning reproduction outside the scope of the
above should be sent to the Rights Department, Oxford University Press, at the
address above

You must not circulate this work in any other form
and you must impose this same condition on any acquirer

Crown copyright material is reproduced under Class Licence
Number C01P0000148 with the permission of OPSI
and the Queen's Printer for Scotland

Published in the United States of America by Oxford University Press
198 Madison Avenue, New York, NY 10016, United States of America

British Library Cataloguing in Publication Data
Data available

Library of Congress Control Number: 2013938577

ISBN 978-0-19-964013-3

Printed and bound in Great Britain by
CPI Group (UK) Ltd, Croydon, CR0 4YY

Links to third party websites are provided by Oxford in good faith and
for information only. Oxford disclaims any responsibility for the materials
contained in any third party website referenced in this work.

TABLE OF ABBREVIATIONS

| | |
|----------------|--|
| ACP countries | African, Caribbean, and Pacific Group of States |
| AfChHPR | African Charter on Human and Peoples' Rights |
| AfCHPR | African Commission on Human and Peoples' Rights |
| APRM | African Peer Review Mechanism |
| AU | African Union |
| AoA | Agreement on Agriculture |
| TRIPS | Agreement on Trade Related Aspects of Intellectual Property |
| AAA | American Anthropological Association |
| ACLU | American Civil Liberties Union |
| ACHR | American Convention on Human Rights |
| AFL | American Federation of Labor |
| AICHR | ASEAN Intergovernmental Commission on Human Rights |
| ASEAN | Association of South-East Asian Nations |
| BJP | Bharatiya Janata Party |
| BIT | Bilateral Investment Treaty |
| CELS | Center for Legal and Social Studies |
| CSVR | Centre for the Study of Violence and Reconciliation |
| CAP | Collective Action Problem |
| CVR | Comisión de la Verdad y Reconciliación |
| COI | Commission of Inquiry |
| CSW | Commission on the Status of Women |
| CAT | Committee Against Torture |
| CM | Committee of Ministers |
| CESCR | Committee on Economic, Social and Cultural Rights |
| CED | Committee on Enforced Disappearances |
| CMW | Committee on Migrant Workers |
| CEDAW | Convention on the Elimination of All Forms of Discrimination against Women |
| CERD Committee | Committee on the Elimination of Racial Discrimination |
| CRPD | Convention on the Rights of Persons with Disabilities |

| | |
|-------------|---|
| CoE | Council of Europe |
| CTC | Counter-Terrorism Committee |
| CFI | Court of First Instance |
| CJEU | Court of Justice of the European Union |
| DRC | Democratic Republic of the Congo |
| ECOSOC | Economic and Social Council |
| ECOWAS | Economic Community of West African States |
| ESC or ESCR | Economic, Social and Cultural Rights |
| ECHR | European Convention on Human Rights |
| ECtHR | European Court of Human Rights |
| ECJ | European Court of Justice |
| EU | European Union |
| FAO | Food and Agricultural Organization |
| GATT | General Agreement on Tariffs and Trade |
| GATS | General Agreement on Trade in Services |
| GA | General Assembly |
| GDP | Gross Domestic Product |
| HDI | Human Development Index |
| IP | Intellectual Property |
| IACHR | Inter-American Commission on Human Rights |
| IACtHR | Inter-American Court of Human Rights |
| IIHR | Inter-American Institute of Human Rights |
| IGO | Intergovernmental Organization |
| IAASTD | International Assessment of Agricultural Knowledge, Science and Technology for Development |
| IALL | International Association for Labor Legislation |
| ICISS | International Commission on Intervention and State Sovereignty |
| ICRC | International Committee of the Red Cross |
| ICFTU | International Confederation of Trade Unions |
| ICJ | International Court of Justice |
| ICCPR | International Covenant on Civil and Political Rights |
| ICESCR | International Covenant on Economic, Social and Cultural Rights |
| CPED | International Convention for the Protection of All Persons from Enforced Disappearances |
| CERD | International Convention on the Elimination of All Forms of Racial Discrimination |
| ICRMW | International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families |

| | |
|----------|---|
| CRPD | International Convention on the Rights of Persons with Disabilities |
| ICC | International Criminal Court |
| ICTY | International Criminal Tribunal for the Former Yugoslavia |
| IFRCRCS | International Federation of Red Cross and Red Crescent Societies |
| IHRL | International Human Rights Law |
| IHL | International Humanitarian Law |
| ILO | International Labour Organization |
| IMF | International Monetary Fund |
| LDC | Least Developed Country |
| LOI | List of Issues |
| LOIPR | List of Issues Prior to Reporting |
| MERCOSUR | Mercado Común del Sur |
| MFN | Most Favored Nation |
| NAACP | National Association for the Advancement of Colored Peoples |
| PNC | National Civil Police Force |
| NHRC | National Human Rights Commission |
| NHRI | National Human Rights Institutions |
| NRC | National Research Center |
| UNITA | National Union for Total Independence of Angola |
| NGO | Non-Governmental Organization |
| NAFTA | North American Free Trade Agreement |
| NATO | North Atlantic Treaty Organization |
| OLA | Office of Legal Affairs |
| OPCAT | Optional Protocol to UNCAT |
| OHCHR | Office of the High Commissioner for Human Rights |
| OECD | Organization for Economic Co-operation and Development |
| OSCE | Organization for Security and Co-operation in Europe |
| OAU | Organization of African Unity |
| OAS | Organization of American States |
| OIC | Organization of Islamic Cooperation |
| PACE | Parliamentary Assembly of the Council of Europe |
| PCIJ | Permanent Court of International Justice |
| PoC | Protection of Civilians |
| RIAA | Reports of International Arbitral Awards |
| RUDs | Reservations, Understandings, and Declarations |
| R2P | Responsibility to Protect |
| SAARC | South Asian Association for Regional Cooperation |

| | |
|-----------|---|
| SADC | Southern African Development Community |
| SCSL | Special Court for Sierra Leone |
| SP | Special Procedure |
| SPT | Sub-Committee on Prevention of Torture |
| TOR | Terms of Reference |
| UNDG | UN Development Group |
| UK | United Kingdom |
| UN | United Nations |
| UNCHR | United Nations Commission on Human Rights |
| UNCESCR | United Nations Committee on Economic, Social and Cultural Rights |
| UNCTAD | United Nations Conference on Trade and Development |
| UNCAT | United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment |
| CRC | United Nations Convention on the Rights of the Child |
| UNDP | United Nations Development Program |
| UNESCO | United Nations Educational, Scientific, and Cultural Organization |
| UNGA | United Nation General Assembly |
| HRC | United Nations Human Rights Committee |
| HRCouncil | United Nations Human Rights Council |
| ILC | United Nations International Law Commission |
| UNOCI | United Nations Operation in Côte d'Ivoire |
| UNRISD | United Nations Research Institute for Social Development |
| UNSC | United Nations Security Council |
| US | United States |
| USD | United States Dollar |
| SCOTUS | United States Supreme Court |
| UDHR | Universal Declaration of Human Rights |
| UPR | Universal Periodic Review |
| VCLT | Vienna Convention on the Law of Treaties |
| WGHR | Working Group on Human Rights |
| WB | World Bank |
| WHA | World Health Assembly |
| WHO | World Health Organization |
| WTO | World Trade Organization |
| WWI | World War I |

NOTES ON THE CONTRIBUTORS

Nisuke Ando is Director, Kyoto Human Rights Research Institute (2001–present); Professor Emeritus, Kyoto University, Kyoto, Japan; Member, Permanent Court of Arbitration (2001–present); member, Institut de Droit International (1999–present); member, Human Rights Committee under the ICCPR (1987–2006, Chair 1993–94).

Yutaka Arai-Takahashi LLB (Gakui-Juyo Kiko), LLM (Keio) and PhD (Cambridge) is a Reader in International Law and International Human Rights Law at University of Kent at Brussels (UKB), Belgium and University of Kent at Canterbury (UKC), England. He specializes in the areas of international human rights law, international humanitarian law and international criminal law, and his major publications include *The Law of Occupation—the Continuity and Change of International Humanitarian Law, and its Interaction with International Humanitarian Law* (Martinus Nijhoff 2009); ‘“Scrupulous but Dynamic” —The Freedom of Expression and the Principle of Proportionality under European Community Law’ (2005) 24 *Yearbook of European Law* 27–80 (OUP 2006); and ‘Preoccupied with Occupation—Critical Examinations of the Historical Development of the Law of Occupation’ (2012) 94 *International Review of the Red Cross* 885, 1–30.

Paolo G Carozza is Professor of Law and Director of the Kellogg Institute for International Studies at the University of Notre Dame, where he also directs the Center for Civil and Human Rights and the Law School’s JSD programme in international human rights law. From 2006–10 he was a member of the Inter-American Commission on Human Rights and served as its President in 2008–09. Professor Carozza’s extensive research and writing covers areas in human rights, comparative constitutional law, European and Latin American legal traditions, public international law, and law and human development.

Jarlath Clifford works for Irwin Mitchell LLP in London. Prior to this he was a Legal Officer, and later a consultant, at the Equal Rights Trust where he worked on national and international equality law reform initiatives. He has worked as an Investigator and a Policy Officer for the former British Commission for Racial Equality. He has carried out legal and human rights research for a number of academic institutions and NGOs including University College London, the British Institute of International and Comparative Law, Amnesty International, and the Center for Policy Alternatives. He has also previously served as the Assistant Editor of the

Equal Rights Review. He would like to thank Amal de Chickera for his helpful comments on the chapter.

Catherine Cone is a 2013 JD candidate at American University Washington College of Law who served as a research assistant to Juan E Méndez. She has worked for the International Center for Transitional Justice in Bogotá, Colombia, and the American Bar Association's Rule of Law Initiative in Washington DC. At her law school, Ms Cone serves on the American University Law Review and founded a mentoring programme for first generation law students.

Erika de Wet is Co-Director of the Institute for International and Comparative Law in Africa and Professor of International Law in the Faculty of Law of the University of Pretoria. Between 2004 and 2010 she was tenured Professor of International and Constitutional Law at the Amsterdam Center for International Law, University of Amsterdam, a position which she still holds part-time. She lectures on international law at the University of Zurich (Switzerland) and the University of Bonn (Germany) on a regular basis. Between 2007 and 2010 she served as a member of the Advisory Committee of the Netherlands on Issues of Public International Law. Her most recent book with (with Jure Vidmar) is *Hierarchy in International Law: The Place of Human Rights* (OUP 2012). Together with Professor André Nollkaemper, Erika de Wet is Editor in Chief of the Oxford Reports on International Law in Domestic Courts (ILDC) Online; she is also one of the General Editors of the Oxford Constitutions Online, with Professors Rüdiger Wolfrum and Rainer Grote of the Max Planck Institute for Comparative Public Law and International Law in Heidelberg, Germany.

Janelle Diller was appointed Deputy Legal Adviser of the International Labour Organization in 2008. Since joining the ILO in 1998, Ms Diller has held various positions at the ILO, including Legal Officer, Principal Legal Officer, and Chief ad interim of the Multinational Enterprises Programme. She also provided advice on international law as a member of the Technical Secretariat of the World Commission on the Social Dimension of Globalization. Prior to joining ILO, Ms Diller worked as Legal Director of the International Human Rights Law Group in Washington DC (1990–95) and as Associate to a private multinational law firm in San Francisco, California (1986–88), and was appointed to a Federal judicial clerkship in Puerto Rico (1984–86). She has held various teaching posts in international and human rights law, including at Georgetown University Law Center (Washington DC) and the University of Virginia School of Law (Charlottesville, Virginia) (1993–97), and served as a legal consultant to United Nations, Inter-American and other organizations (1988–90, 1995–97).

Malgosia Fitzmaurice holds a chair of Public International Law, University of London. She is an expert on the law of treaties; international environmental law; and indigenous rights. She has published extensively on all these subjects. She frequently

lectures abroad. She has is a regular lecturer at the International Maritime Law Institute at Malta and recently completed a series of lectures at Sorbonne Pathenon.

Mark Goodale is an anthropologist, sociolegal scholar, and social theorist. He is currently Associate Professor of Conflict Analysis and Anthropology at George Mason University and Series Editor of Stanford Studies in Human Rights. Before coming to George Mason, he was the first Marjorie Shostak Distinguished Lecturer in Anthropology at Emory University. He is the author or editor of seven books, including, most recently, *Human Rights at the Crossroads* (ed, OUP 2012), *Mirrors of Justice* (with Kamari Maxine Clarke, CUP 2010), *Surrendering to Utopia* (Stanford UP 2009), *Human Rights: An Anthropological Reader* (Blackwell 2009), *Dilemmas of Modernity* (Stanford UP 2008), and *The Practice of Human Rights* (with Sally Engle Merry, CUP 2007). His writings have appeared in *Law & Society Review*, *Law & Social Inquiry*, *Social & Legal Studies*, *Current Anthropology*, *American Anthropologist*, and *American Ethnologist*, among others. He is currently working on a number of new projects, including a study of the constitutional revolution in Bolivia based on several years of research funded by the National Science Foundation and the Wenner-Gren Foundation.

Gisella Gori is currently Senior Political Adviser in the Political, Security and Development Section of the Delegation of the European Union to the United States, in Washington DC, working on Human Rights and Democracy, UN and multilateralism, International Humanitarian Law and Guantanamo, and legal issues in general. Since 2002, Dr Gori has been a lawyer at the Council of Europe's Directorate General of Human Rights and Legal Affairs, Department for the execution of the judgments of the European Court of Human Rights, in Strasbourg, France (currently on sabbatical). She has specialized in European Union (EU) Law and in International Human Rights Law and is the author of articles on EU Law, economic and social rights, and education law. She previously taught EU law at George Washington University Law School and the University of Strasbourg. Dr Gori holds a PhD in Law (JD) from the European University Institute in Florence.

Ariel Gould is a graduate student in a joint degree programme at the George Washington University Law School and the Elliott School of International Affairs. She expects to receive a JD in law and an MA in Latin American and Hemispheric Studies in May 2014. She received a BA in International Studies and a BA in Spanish from the University of North Carolina at Chapel Hill in 2010. Her main area of focus is the protection of human rights in the Americas.

M Christian Green JD/PhD holds degrees from Georgetown University in history and government, Emory University in law and theology, and the University of Chicago in religious ethics. She has taught at DePaul University, Harvard Divinity School, and the Candler School of Theology at Emory University. She has managed research projects at the Religion, Culture, and Family Project at the University of

Chicago, the Park Ridge Center for the Study of Health, Faith, and Ethics. During the 2010–11 academic year, she was a visiting research fellow at the Kroc Institute for International Peace Studies at the University of Notre Dame. She is currently a nonresident Senior Fellow at the Center for the Study of Law and Religion and serves as book review editor for the *Journal of Law and Religion*. Her research interests include law and religion, human rights, gender and family, bioethics, comparative religious ethics, and religion and world affairs. Her research focuses mostly on law, religion, and human rights in Sub-Saharan Africa.

Christof Heyns was appointed UN Special Rapporteur on extrajudicial, summary, or arbitrary executions in August 2010. He is Professor of Human Rights Law at the University of Pretoria, South Africa, and Co-director of the Institute for International and Comparative Law in Africa. He is an adjunct professor at the Washington College of Law of the American University in Washington DC, and teaches in the human rights master's programme at Oxford University, UK, where he is a Visiting Fellow. He has served as a consultant of the UN Office of the High Commissioner for Human Rights, the Organization of African Unity/African Union and the South African Human Rights Commission. He has published widely in the field of international human rights law and is a founding co-editor-in-chief of the African Human Rights Law Reports and was a founding co-editor of the African Human Rights Law Journal.

Sarah Joseph is a Professor of Human Rights Law at Monash University, Melbourne, and is the Director of its Castan Centre for Human Rights Law. Her latest book is on trade law and human rights, entitled *Blame it on the WTO: a Human Rights Critique* (OUP 2011). Other books and articles relate to the International Covenant on Civil and Political Rights, as well as linkages between human rights and multinational corporations, social media and terrorism. She has also written on the right of self-determination, extraterritorial human rights obligations, as well as Australian constitutional law.

Robin Bradley Kar is a Professor of Law and Philosophy at the University of Illinois College of Law. He earned his bachelor of arts magna cum laude from Harvard University, his JD from Yale Law School, and his PhD from the University of Michigan, where he was a Rackham Merit Fellow, Rackham Predoctoral Fellow and Charlotte Newcombe Fellow. He is also a former law clerk to the Honorable Sonia Sotomayor, now an Associate Justice for the US Supreme Court. One of Professor Kar's primary research interests is in moral psychology, where he has focused on identifying and describing the special psychological attitudes that animate moral and legal systems. To that end, he has developed a general account of the human sense of moral and legal obligation, which draws on recent advances in a number of cognate fields (including evolutionary game theory, sociology, psychology, anthropology, animal behavioural studies, and philosophy), and which provides a more fundamental challenge to economic assumptions about human action than is present in the

behavioural economics literature. More recently, Professor Kar has been studying the conditions under which legal systems (including international legal systems) can emerge and remain stable as independent institutions, beginning from the simpler forms of social complexity that typically precede law. Professor Kar also has broad research interests in jurisprudence and moral and political philosophy and in those areas of the law that appear to reflect moral imperatives. His work in these areas proceeds from the conviction that many longstanding jurisprudential and normative questions can only be adequately addressed with a better understanding of moral psychology.

Chimène I Keitner is a Professor of Law at the University of California Hastings College of the Law, where her research focuses on cutting-edge issues at the intersection of international law and domestic litigation. She is the author of the book, *The Paradoxes of Nationalism* (SUNY 2007), and over twenty articles, essays, and book chapters on questions surrounding the relationship among law, communities, and borders. Professor Keitner holds a bachelor's degree in history and literature from Harvard, a JD from Yale, and a doctorate in international relations from Oxford, where she was a Rhodes Scholar. After law school, she clerked for the Chief Justice of the Supreme Court of Canada. Professor Keitner served as Co-Chair for the American Society of International Law's 105th Annual Meeting in Washington DC, and serves as Co-Chair of the ASIL International Law in Domestic Courts Interest Group. She is a member of the American Law Institute.

Magnus Killander is a Senior Lecturer and Head of Research at the Center for Human Rights, Faculty of Law, University of Pretoria. He currently serves as Editor-in-Chief for the *African Human Rights Law Reports*; the Africa Editor for *International Human Rights Law*, *Oxford Reports on International Law*; Associate Editor (Africa) for *International Law in Domestic Courts*, *Oxford Reports on International Law*; and Co-Editor for *African Human Rights Law Journal*. He is widely published in books and academic journals, with his research largely focusing on African human rights law, African regional integration law, international human rights monitoring mechanisms, relationship between domestic law, and international law.

Miloon Kothari is a leading voice on human rights, especially economic, social, and cultural rights. An architect by training, Mr Kothari has extensive experience in the area of housing and land rights. He graduated from the Pratt Institute and Columbia University and the Maharaja Sayajirao University. Mr Kothari has been a Guest Professor at many universities and institutions. He is the coordinator of the South Asian Regional Programme of the Habitat International Coalition's Housing and Land Rights Network and is founding member of the International NGO Committee on Human Rights in Trade and Investment. Mr Kothari is also a member of the Leadership Council of the Global Women and AIDS Coalition, UNAIDS. In September 2000, the UN Commission on Human Rights appointed Mr

Kothari as the Special Rapporteur on Adequate Housing. In his work as Rapporteur he focused on strategies to ensure respect for human rights in post-conflict and post-disaster situations. He actively contributed to the standard-setting process as part of his Rapporteur work, including the preparation of Principles and Guidelines on Development-Based Evictions and Displacement, in his 2007 report to the UN Human Rights Council. In recent years, he has been particularly active on issues such as women's rights to land, inheritance, property, housing and globalization, and trade liberalization and their impacts on the right to adequate housing and other related rights. He currently serves as Convener of the Working Group on Human Rights in India and the UN.

Peter Kovács PhD (1987), dr habil (1997), DSc (2011) studied at the University of Szeged, Hungary (1978–83) and in France at the Centre européen universitaire—Université de Nancy II and International Institute of Human Rights of Strasbourg (1983–84). He is Professor of international law at the Péter Pázmány Catholic University of Budapest (since 1997) and has consulted with the Hungarian Ministry of Foreign Affairs (1990–94, 1998–99). He participated as governmental expert in the drafting of the European Charter for Regional or Minority Languages and of the Framework Convention for the Protection of National Minorities (Strasbourg, Council of Europe, 1990–92 and 1993–94). Since 2005, he has served as Judge of the Constitutional Court of Hungary. He has been a visiting professor at French universities including Montpellier (March 2000), Paris XI (March 2002), Paris II (February 2003, March 2009), Nantes (March 2003) and also in Germany: Regensburg (August 2011). He was a Fulbright visiting professor at Denver University, College of Law in 2002.

Paul Gordon Lauren is Regents Professor at the University of Montana, where he previously served as the founding director of the Maureen and Mike Mansfield Center and as the Mansfield Professor of Ethics and Public Affairs. He earned his PhD from Stanford University and has received many fellowships and awards for his teaching, research, administrative leadership, and public service. He has published many articles, chapters, and thirteen books, including the award winning *Power and Prejudice* and the widely acclaimed *Evolution of International Human Rights: Visions Seen*, nominated for a Pulitzer Prize. His work is internationally known in the fields of history, international law, political science, and philosophy, and has been translated in whole or in part into seven languages. Lauren has lectured widely to a variety of audiences around the world, including students and professors, activists, analysts, judges, attorneys, diplomats, military and intelligence officers, legislators, and policymakers. He also has delivered invited addresses to the Nobel Institute, the Smithsonian Institution, and before the United Nations, where he has been described as possibly the world's leading authority on the history of international human rights.

Michelle Lafferty is a legal secretary/référendaire with the Registry of the European Court of Human Rights. She graduated from the University of Glasgow and was admitted as a solicitor in Scotland in 2003 (currently non-practising). She holds Masters degrees from the European University Institute, Florence, and Birkbeck College, London. Before joining the Registry, she worked as a legal adviser to the House of Lords' European Union committees and, formerly, in private practice.

George A Lopez holds the Reverend Theodore M Hesburgh, CSC Chair in Peace Studies at the Joan B Kroc Institute for International Peace Studies at the University of Notre Dame. He has advised various UN agencies and member states regarding the humanitarian and human rights impacts of sanctions since 1990. In 2010–11 he served on the UN Panel of Experts for sanctions on North Korea. Working often with David Cortright he has been Co-Editor/Author of six books and dozens of articles on economic sanctions. Their academic and policy work is available at <<http://www.sanctionsandsecurity.org>>.

Francisco López-Bermúdez is a scholar-practitioner with multidisciplinary experience in human rights, democracy, and civil society. He holds a JD from the Pontifical Catholic University of Ecuador (PUCE) and an MA in Public Opinion and Polling from the Department of Government at the University of Essex (United Kingdom). He also studied for a Doctorate in Human Rights at the Carlos III University of Madrid (Spain) and is currently working towards his PhD in Political Science at the University of Nebraska, Lincoln. He founded and directed the Human Rights and Democracy Program at PUCE, where he also taught Public International Law, International Organizations, and Human Rights. As an active member of civil society in the global South, he fostered the creation of a number of institutions and initiatives dealing with human rights and democracy. He co-founded and directed Auditoría Democrática Andina, and was the architect and first consultant of Ecuador's National Human Rights Plan. In recognition of his work, he was awarded the inaugural UNESCO Chair in Education for Peace, Human Rights and Democracy at Utrecht University (The Netherlands) for the academic year 2007.

Fiona McKay is a British lawyer who has been the Chief of the Victims Participation and Reparations Section within the Registry of the International Criminal Court since August 2004. Previously she worked in several capacities providing legal services to victims of human rights violations, including serving as director of a legal aid centre in the Occupied Palestinian Territories, and Deputy Director of the Kurdish Human Rights Project which litigates before the European Court of Human Rights. She has specialized in the right of victims of gross violations of human rights or international humanitarian law to reparation, and international justice in general: she worked at the NGO Redress in London and directed the International Justice Program at Human Rights First in New York.

Jenny S Martinez is a Professor of Law and Warren Christopher Professor in the Practice of International Law and Diplomacy at Stanford Law School. Previously, Professor Martinez clerked for Justice Stephen Breyer of the US Supreme Court and Judge Guido Calabresi of the US Court of Appeals for the Second Circuit; she was also an associate legal officer for Judge Patricia Wald of the United Nations International Criminal Tribunal for the former Yugoslavia in the Hague, where she worked on trials involving genocide, crimes against humanity, and war crimes. She is a leading expert on international courts and tribunals, international human rights, national security, constitutional law, and the laws of war. Her research focuses on the role of courts and tribunals in advancing and protecting human rights, ranging from the nineteenth-century international tribunals involved in the suppression of the trans-Atlantic slave trade to contemporary institutions and the role of courts in policing human rights abuses in connection with anti-terrorism policies. She is the author of *The Slave Trade and the Origins of International Human Rights Law* (OUP 2012) and numerous articles in leading academic journals. Professor Martinez serves on the board of directors for the Open Society Justice Initiative, which promotes human rights and builds legal capacity for open societies around the world. In the past, she has served as a consultant on international human rights issues for both Human Rights First and the International Center for Transitional Justice. She is also a member of the US State Department's Advisory Committee on International Law. She is a faculty affiliate of Stanford's Center on International Security and Cooperation and Stanford's Center on Democracy Development and the Rule of Law.

Cecilia Medina Quiroga currently serves as a professor of International Human Rights Law at the University of Chile and the director of its Human Rights Center. She previously served for eight years as a member of the UN Human Rights Committee, of which she served as Chair Person from 1999–2000. In 2004 she was elected to the International Commission of Jurists and the Inter-American Court of Human Rights, serving as its president from 2008–09. She has taught at a variety of universities and institutions, including the University of Lund, the International Institute of Human Rights, the University of Toronto, the UN Institute for Peace, Harvard University, and the University of Utrecht. She has been widely published on topics such as the Inter-American human rights system, the American Convention, and women and human rights. Dr Medina has also been recognized through various awards, such as the Chilean Women's Leadership Award, the Gruber Foundation's Women's Prize, and Award of Equality Now, and has been decorated as a Ridder of the Oranje-Nassau. She received a licence in Social and Juridical Sciences from the University of Chile and a doctorate in law from the University of Utrecht.

Juan E Méndez holds an Abogado degree (JD equivalent) from the Stella Maris Catholic University, Mar del Plata, Argentina, and a certificate from the Washington College of Law, The American University, Washington DC (1980).

He is admitted to the Bar of the District of Columbia, USA and of Buenos Aires and Mar del Plata, Argentina. He teaches at the Washington College of Law and is currently the United Nations Special Rapporteur on Torture. He is the author, with Marjory Wentworth, of *Taking a Stand: The Evolution of Human Rights* (Palgrave MacMillan 2011). He was President of the International Center for Transitional Justice between 2004 and 2009. He is a Visiting Fellow, Kellogg College, Oxford, and in 2009 and 2010 he was an Adviser to the Prosecutor, International Criminal Court, on Crime Prevention. In the summer of 2009 he was a Scholar-in-Residence at the Ford Foundation, New York. He is also former Special Adviser to the Secretary General (UN) on Prevention of Genocide. At Human Rights Watch he directed the Americas division (1982–93) and was later General Counsel (1994–96). He was Executive Director of the Inter-American Institute of Human Rights in Costa Rica (1996–99). From 2000 to 2003 he was a member—and in 2002 the President—of the Inter-American Commission on Human Rights, Organization of American States. He has taught at the University of Notre Dame, Georgetown Law School, and Johns Hopkins School of Advanced International Studies (SAIS), and he teaches regularly at the Oxford Masters Programme in International Human Rights Law.

Gerald L Neuman is J Sinclair Armstrong Professor of International, Foreign, and Comparative Law at Harvard Law School, where he teaches human rights, constitutional law, and immigration and nationality law, and Co-Director of the school's Human Rights Program. His current research focuses on international human rights bodies, transnational dimensions of constitutionalism, and rights of foreign nationals. He is the author of *Strangers to the Constitution: Immigrants, Borders, and Fundamental Law* (Princeton 1996), and co-author of Louis Henkin et al, *Human Rights* (2nd edn, Foundation Press 2009). Since January 2011, he has been a member of the Human Rights Committee, which monitors compliance with the International Covenant on Civil and Political Rights.

Gerd Oberleitner is Lecturer at the Institute of International Law and International Relations at the University of Graz, Austria. From 1998 to 1999 he served in the Human Rights Department of the Austrian Federal Ministry for Foreign Affairs. From 1999 to 2002 he was Executive Director of the European Training and Research Centre for Human Rights and Democracy (ETC) in Graz and is presently on the Centre's Executive Board. From 2002 to 2004 he was Lecturer in Human Rights at the London School of Economics and Political Science (LSE) and from 2004 to 2007 Visiting Fellow at the LSE's Centre for the Study of Human Rights. He was also a Visiting Scholar at the European Inter-University Centre in Venice (2009) and the Université du Québec à Montréal (2010) and a Visiting Professor at the University of Prishtina (2010). He is course instructor in human rights distance learning programmes of Human Rights Education Associates (HREA) and teaches in the European Regional Master Programme in Democracy and Human Rights in

South-East Europe (Sarajevo) and the European Master's Programme in Human Rights and Democratisation (Venice). His publications include *Global Human Rights Institutions: Between Remedy and Ritual* (Polity 2007).

Michael O'Boyle was elected Deputy Registrar of the European Court of Human Rights in 2006 and was re-elected in 2011. He has worked extensively as a lawyer with the former European Commission and Court of Human Rights as well as the present Court. He graduated in law from Queens University, Belfast, and was called to the Bar in Northern Ireland. He was a Kennedy Scholar at the Harvard Law School where he obtained his LLM and holds a Diploma from the Cassin Institute for Human Rights in Strasbourg. He is the co-author (with Professors Harris, Warbrick, E Bates and C Buckley) of *The Law of the European Convention on Human Rights* (OUP 2009).

Bertram Ramcharan LLM, PhD, (LSE). Barrister-at-Law; Diploma of the Hague Academy of International Law. Previously: Professor (First Swiss Chair of Human Rights) at the Graduate Institute of International and Development Studies, Geneva; Deputy and then Acting UN High Commissioner for Human Rights; Chancellor of the University of Guyana; Commissioner of the International Commission of Jurists; Member of the Permanent Court of Arbitration.

Dr Chris Robinson is a Professor at Bronx Community College of the City University of New York. He holds a BA from the University of California, Berkeley, in Integrative Biology and an MA and PhD in Anthropology from New York University. He has recently published research papers in the *Journal of Human Evolution* and *The Anatomical Record* exploring methods of identifying species in the human fossil record using analyses of variation in the three dimensional shape of the teeth and jaws of extant humans and apes, and fossil humans. He has also written a book chapter on fossil giraffes based on research at the early human site of Laetoli, Tanzania, from which the earliest human footprints were recovered. He contributed a chapter on evidence for genocide in the fossil record for the award-winning *Encyclopedia of Genocide and Crimes against Humanity*.

Nigel S Rodley is an international lawyer who specializes in human rights. He is currently a Professor of Law at the University of Essex and has served as a member of the UN Human Rights Committee since 2001 and as its Vice-Chair since 2003. Since 2003, he has also served on the International Commission of Jurists. He previously worked as an Assistant Professor of Law at Dalhousie University and was appointed as a Reader in Law at the University of Essex in 1990. He assumed his current position as a Professor of Law in 1994 and served as Dean of Law from 1992 to 1995. From 1993 to 2001, he also worked as the Special Rapporteur on Torture of the UN Commission on Human Rights. Sir Nigel received an LLB from the University of Leeds, an LLM from Columbia University, an LLM from New York University, and a PhD from the University of Essex. He was knighted in 1998 in the Queen's New Years Honours list for services to Human Rights and International Law and received an honorary LLD