

THE DELIVERY OF HUMAN RIGHTS

ESSAYS IN HONOUR OF
PROFESSOR
SIR NIGEL RODLEY



EDITED BY
GEOFF GILBERT,
FRANÇOISE HAMPSON
AND CLARA SANDOVAL



The Delivery of Human Rights

Essays in Honour of Professor
Sir Nigel Rodley

Edited by Geoff Gilbert,
Françoise Hampson and Clara Sandoval



First published 2011

by Routledge

2 Park Square, Milton Park, Abingdon, Oxon, OX14 4RN

Simultaneously published in the USA and Canada

by Routledge

270 Madison Avenue, New York, NY 10016

*Routledge is an imprint of the Taylor & Francis Group,
an informa business*

© 2011 Geoff Gilbert, Françoise Hampson and Clara Sandoval.

Individual chapters; the contributors.

The right of Geoff Gilbert, Françoise Hampson and Clara Sandoval to be identified as editors of this work has been asserted by him/her in accordance with sections 77 and 78 of the Copyright, Designs and Patents Act 1988.

Typeset in Garamond by

RefineCatch Limited, Bungay, Suffolk

Printed and bound in Great Britain by

MPG Books Group, UK

All rights reserved. No part of this book may be reprinted or reproduced or utilised in any form or by any electronic, mechanical, or other means, now known or hereafter invented, including photocopying and recording, or in any information storage or retrieval system, without permission in writing from the publishers.

British Library Cataloguing in Publication Data

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

Library of Congress Cataloging-in-Publication Data

The delivery of human rights : essays in honour of Professor
Sir Nigel Rodley / edited by Geoff Gilbert, Françoise Hampson and
Clara Sandoval.

p. cm.

1. Human rights. I. Gilbert, Geoff, 1958– II. Hampson,
Françoise. III. Sandoval, Clara. IV. Rodley, Nigel S.

K3240.D4465 2010

341.4'8—dc22

2010008361

ISBN-10: 0-415-57992-9 (hbk)

ISBN-13: 978-0-415-57992-6 (hbk)

ISBN-10: 0-203-84435-1 (ebk)

ISBN-13: 978-0-203-84435-9 (ebk)

Common acknowledgements and thanks

As always, thanks to the authors for taking time out of their incredibly busy schedules to write these contributions. Thanks are more than ever due to the publishing team at Routledge who have shown patience beyond endurance as various deadlines came and went. Last, but definitely not least, thanks go to our in-house editor, Brian Griffey, a current student on the LL.M. in International Human Rights Law, who has tirelessly pored over these chapters and helped to compile them into a coherent and consistent book.

Geoff Gilbert
Françoise Hampson
Clara Sandoval

List of contributors

Başak Çalı is Lecturer in Human Rights at the Department of Political Science, University College London. She is a Fellow at the Human Rights Centre of the University of Essex and a Council of Europe expert on the European Convention on Human Rights. Her main research areas are theories of international law, use of force in international law, supranational human rights adjudication, and human rights research methodology. Her most recent book is *International Law for International Relations* (Oxford University Press 2009).

Michael Duttwiler, lic. iur. (MLaw), LL.M. (Essex), Attorney at Law, did his LL.M. in International Human Rights Law at the University of Essex, where his course and dissertation in International Criminal Law were supervised by Professor Sir Nigel Rodley. He is currently working as an Associate Legal Officer in the Office of the Prosecutor at the International Criminal Tribunal for the Former Yugoslavia.

Malcolm Evans OBE is Professor of Public International Law at the University of Bristol. His principal areas of academic work include the law of the sea, torture and torture prevention, and the international protection of religious liberty. He is a member of the United Nations Subcommittee for Prevention of Torture and of the OSCE ODIHR Advisory Council on Freedom of Religion or Belief.

Geoff Gilbert is a Professor of Law at the University of Essex and a founding member of its Human Rights Centre. He is Director of the LL.M. in International Human Rights and Humanitarian Law. He has been Editor-in-Chief of the International Journal of Refugee Law since 2002. He was founding Director of Studies for UNHCR's annual Thematic Refugees and Human Rights course for judges, government officials and UNHCR staff at the International Institute for Humanitarian Law, Sanremo, Italy, from 2005 to 2007. He was part of the Human Rights Centre's research programme on human rights in situations of acute crisis that was carried out on behalf of DfID in 1997–98. In 2009, he was elected a Benchler of the Middle Temple.

Françoise Hampson is a Professor in the School of Law at the University of Essex and a founding member of its Human Rights Centre, where she has taught since 1983. She was a member of the UN Sub-Commission on the Promotion and Protection of Human Rights from 1998 to 2007. She has frequently appeared before the European Court of Human Rights in Strasbourg on behalf, generally, of applicants, including in cases arising out of situations of conflict. She is also a specialist in the law of armed conflict and regularly works with the International Committee of the Red Cross as an independent expert.

Paul Hunt was elected by the UN in 1998 to serve as an independent expert on the UN Committee on Economic, Social and Cultural Rights (1999–2002). Between 2002 and 2008, he served as the UN Special Rapporteur on the right to the highest attainable standard of health. In addition to his thirty-or-so UN reports on various aspects of the right to health, he has written extensively on economic, social and cultural rights, including: *Reclaiming Social Rights: International and Comparative Perspectives* (1996); *Culture, Rights and Cultural Rights: Perspectives from the South Pacific* (co-ed., 2000); and *World Bank, IMF and Human Rights* (co-ed., 2003). He is a Professor in the School of Law, and a member of the Human Rights Centre at the University of Essex (England), and Adjunct Professor at the University of Waikato (New Zealand). In 2008, the Nordic School of Public Health awarded Paul an honorary doctorate.

Rajat Khosla worked as an advocacy specialist with the Asia-Pacific office of the United Nations Millennium Campaign on indigenous peoples and MDGs. He has also worked as a consultant with the United Nations Population Fund, Asia-Pacific Regional Office in Bangkok. From 2006 to 2008 he was a senior research officer in the Human Rights Centre, where he supported the mandate of the first Special Rapporteur on the right to health, Paul Hunt. He previously worked as a researcher for the International Environmental Research Centre and as a consultant researcher for the Centre for the Study of Developing Societies in India. He has also worked as an advocate in the Supreme Court of India on several public interest cases involving socioeconomic rights.

Sheldon Leader is Professor of Law and member of the Human Rights Centre at the University of Essex. He works primarily on non-state actors and human rights, with particular reference to the economy, and also in the field of jurisprudence/political theory. He has been a legal advisor to Amnesty International UK.

Noam Lubell is a Lecturer at the Irish Centre for Human Rights, National University of Ireland, Galway. He has taught and researched international human rights law and the laws of armed conflict in a number of academic institutions in Ireland, the UK, Israel and the US. He is a member of the Executive Committee of Amnesty International (Ireland), and in the past

has worked with human rights non-governmental organizations dealing with the Israeli–Palestinian conflict, as International Law Advisor and Director of a Prisoners and Detainees Project.

Michael O’Flaherty is Professor of Applied Human Rights and Co-director of the Human Rights Law Centre at the University of Nottingham. He has been a member of the UN Human Rights Committee since 2004.

Matt Pollard completed an LL.M. in International Human Rights Law at the University of Essex in 2004, having previously worked as a barrister and solicitor in British Columbia, Canada. He then served as legal adviser to the Association for the Prevention of Torture in Geneva until 2007. At the time of writing, he is a legal adviser to Amnesty International in London and a PhD candidate at the University of Essex. He collaborated with Sir Nigel Rodley on the third edition of *The Treatment of Prisoners under International Law*, published in 2009 by Oxford University Press.

Clara Sandoval is senior lecturer, Director of the LL.M. in International Human Rights Law in the School of Law, a member of the Human Rights Centre and Co-Convenor of the Essex Transitional Justice Network at the University of Essex. Clara has worked with Professor Rodley for the last six years and teaches with him a module on Transitional Justice. She teaches and researches on areas related to the Inter-American System of Human Rights, Legal Theory, Business and Human Rights, and Transitional Justice. Most of her recent scholarship has been focused on reparations for gross human rights violations, in processes of transitional justice or post-conflict, by the state and by TNCs.

David Weissbrodt is the Regents Professor and Fredrikson & Byron Professor at the University of Minnesota Law School. His writing and teaching focus on international human rights. Professor Weissbrodt has served as a member (1996–2003) and Chairperson (2001–02) of the UN Sub-Commission on the Promotion and Protection of Human Rights; as the UN Special Rapporteur on the Rights of Non-Citizens (2001–03); and Chairperson, Board of Trustees, UN Trust Fund on Contemporary Forms of Slavery.

Table of cases

Abdelhamid Benhadj v Algeria, UN Doc. CCPR/C/90/D/1173/2003 (2007)	141
Affaire Enerji Yapi-Yol Sen v Turquie (Requête n8 68959/01) Final version 11 Nov 2009	3
Ajuri v IDF Commander HCJ 7015/02	212
Akdeniz v Turkey, No 25165/94 (31 May 2005)	145
Al-Adsani v UK ECHR, 35763/97, judgment of 21 November 2001	200
Aloeboetoe v Suriname, Reparations and Costs, IACtHR Judgment of 10 September 1993	122
Al-Skeini & others v Secretary of State for Defence, [2004] EWHC 2911; [2005] 1 EWCA Civ 1609; [2007] UKHL 26	180, 181
Anzualdo Castro v Peru (11.385), Decision 85–07 (16 October 2007)	144
Arévalo Perez v Colombia, UN Doc. CCPR/C/37/D/181/1984 (1989)	139, 140
Armed Activities on the Territory of the Congo (DRC v Uganda), (19 Dec. 2005), 2005 ICJ Rep. 116	159, 161–2, 209, 219
Arutyunyan v Uzbekistan, UN Doc. CCPR/C/80/D/917/2000 (2004)	141
Ayoub v Minister of Defense HCJ 606/78	217
B & others v Secretary of State for the Foreign and Commonwealth Office, [2004] EWCA Civ 1344	177, 181
Bakhtiyari (Ali Aqsar and Roqaiha) v Australia, Communication No. 1069/2002, UN Doc. CCPR/C/79/D/1069/2002 (2003)	193
Bámaca Velásquez v Guatemala (Merits), Series C No. 70 (25 November 2000)	144, 145, 148
Bankovic & others v Belgium and 16 NATO States, 52207/99, admissibility decision of 12 December 2001	157, 158, 172, 176, 177, 178, 179, 180, 181
Bautista de Arellana v Colombia, UN Doc. CCPR/C/55/D/ 563/1993 (1995)	139, 140
Bayarri v Argentina, Preliminary Objection, Merits, Reparations and Costs, IACtHR Judgment of 30 October 2008	116–17, 119, 120, 122, 126, 128, 131
Bazorkina v Russia, No 69481/01 (27 July 2006)	146
Blecic v Croatia, 59532/00, ECtHR (First Section), 29 July 2004, Grand Chamber 8 March 2006	197
Bleier v Uruguay, UN Doc. CCPR/C/15/D/30/1978 (1982)	139, 140
Boucherf v Algeria, UN Doc. CCPR/C/86/D/1196/2003 (2006)	141
Bousroual v Algeria, UN Doc. CCPR/C/86/992/2001 (2006)	141
Bueno-Alves v Argentina, Merits, Reparations and Costs, IACtHR Judgment of 11 May 2007	119, 122, 124, 126, 128, 130, 131, 135
Caballero-Delgado and Santana v Colombia (Merits), Series C No. 22 (8 December 1995)	144, 145
Caesar v Trinidad and Tobago, Merits, Reparations and Costs, IACtHR Judgment of 11 March 2005	119, 126, 128, 131, 132

xii *Table of cases*

Çakici v Turkey, ECHR 1999-IV	145
Cantoral Benavides v Peru, Reparations and Costs, IACtHR Judgment of 3 December 2001	116, 117, 119, 120, 121, 122, 123, 124, 126–7, 128, 129, 130, 132, 135
Caracazo v Venezuela, Reparations and Costs, IACtHR Judgment of 29 August 2002 ...	124
Case of the 19 Tradersmen v Colombia, Series C No. 109 (5 July 2004)	144
Castro Castro Prison v Peru	119
Celis Laureano v Peru, UN Doc. CCPR/C/56/D/540/1993 (1996)	139, 140
Chitayev v Russia, No 59334/00 (18 January 2007)	146
Colonel v Colombia, CCPR/C/76/D/778/1997 (2002)	140
Cyprus v Turkey, ECHR 2001-IV	145, 219
Cyprus v Turkey, ECHR 6780/74 & 6950/75	176–7
De la Cruz Flores v Peru	119
Demir and Baykara v Turkey (Application no. 34503/97) Judgment of 12 November 2008	3
Dweikat v Israel HCJ 390/79	217
El Alwani v Libya, UN Doc. CCPR/C/90/D/1295/2004 (2007)	141
El Amparo v Venezuela, Reparations and Costs, IACtHR Judgment of 14 September 1996	118
El Hassy v Libya, UN Doc. CCPR/C/91/D/1422/2005 (2007)	141
El-Megreisi v Libya, UN Doc. CCPR/C/50/D/440/1990 (1994)	141
Fisheries Case (United Kingdom v Norway), Judgment of 18 December 1951, [1951] ICJ Rep. 116	160
García-Asto and Ramírez Rojas v Peru, Preliminary Objections, Merits, Reparations and Costs, IACtHR Judgment of 25 November 2005	118
Garrido and Baigorria v Argentina (Costs), Series C No. 39 (27 August 1998)	145
Godínez Cruz v Honduras (Merits), Series C No. 5 (20 January 1989)	144
Goiburú et al. v Paraguay, Series C No. 153 (22 September 2006)	144, 145
Grioua v Algeria, UN Doc. CCPR/C/90/D/1327/2004 (2007)	141
Guerrero v Colombia, Communication No.R.11/45, HRC, U.N. Doc. Supp. No. 40 (A/37/40)	207
Gutiérrez Soler v Colombia, Merits, Reparations and Costs, IACtHR Judgment of 12 September 2005	119, 120, 121, 122, 126, 128, 129, 130, 131, 132–5, 136
Herrera Rubio v Colombia, UN Doc. CCPR/C/31/D/161/1983 (1987)	139, 140
Idalova and Idalov v Russia, No 41515/04 (5 February 2009)	145, 146
Ilaşcu and Others v Moldova and Russia, 48787/99, judgment of 8 July 2004	170, 177–8, 180
Imakayeva v Russia, No 7615/02 (9 November 2006)	146
Isiyok and others v Turkey, 22309/93, admissibility decision 3 April 1995; friendly settlement 31 October 1997	179, 180
Issa & others v Turkey, 31821/96, admissibility decision of 30 May 2000; decision of second Chamber, 16 November 2004	178, 179, 180, 181
Khadzhaliyev v Russia, No 3013/04 (6 November 2008)	145, 146
Kimouche v Algeria, UN Doc. CCPR/C/90/D/1328/2004 (2007)	141
Kurt v Turkey, ECHR 1998-III (25 May 1998)	144, 145
Kwasme v Military Commander for Judea and Samaria, HCJ 7007/03	215
La Cantuta v Peru, Series C No. 162 (29 November 2006)	144

Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory Advisory Opinion, 2004 ICJ Rep 136	148, 159, 161, 209, 211, 212, 213, 216, 219, 220
Legality of the Threat or Use of Nuclear Weapons Advisory Opinion, 1996 ICJ Rep 226	148, 159, 161, 209
Lichtensztejn v Uruguay, HRC 31 March 1983, UN Doc. A/38/40	158
Loayza-Tamayo v Peru, Reparations and Costs, IACtHR Judgment of 27 November 1998	119, 121
Loizidou v Turkey (preliminary objections), 20 EHRR 99 (1995); (merits) 23 EHRR 513 (1997)	169, 170, 177, 180, 219
Lopez Burgos v Uruguay, UN Doc. CCPR/C/13/D/52/1979 (1981); Communication No. R.12/52, U.N. Doc. Supp. No. 40 (A/36/40) (1981)	141, 169, 174–5
Luluyev v Russia, No 69480/01 (9 November 2006)	145, 146
McCann and Others v United Kingdom ECHR 21 EHRR 97	207
Madoui v Algeria, UN Doc. CCPR/C/94/D/1495/2006 (2008)	141
Medina Charry v Colombia (11.221), Decision 3/98 (7 April 1998)	144
Mojica v Dominican Republic, UN Doc. CCPR/C/51/D/449/1991 (1994)	139, 140
Montero v Uruguay, HRC 31 July 1983, UN Doc. A/38/40	158
Mouvement des Réfugiés Mauritaniens au Sénégal v Sénégal, African Commission on Human and Peoples' Rights, Communication Nos. 162/97 (1997) and 254/02 (2002)	198
Nunez v Uruguay, HRC 22 July 1983, UN Doc. A/38/40	158
Ocalan v Turkey, 46221/99, Chamber judgment 12 March 2003, Grand Chamber judgment 12 May 2005	181
Osmanoglu v Turkey, No 48804/99 (24 January 2008)	145
Paniagua-Morales et al v Guatemala, Reparations and Costs, IACtHR Judgment of 25 May 2001	123
Prosecution v Tharisse Muvunyi (interlocutory appeal), ICTR-00–55A-AR73 (Appeal Chamber, 12 May 2005)	148
Prosecutor v Furundzija, ICTY IT-95–17/1-T (10 December 1998)	148, 200
Prosecutor v Kvocka, ICTY IT-98–30/1-T (2 November 2001)	148
Prosecutor v Radislav Krstic, ICTY IT-98–33 'Srebrenica-Drina Corps' Trial Chamber Judgment, 2 August 2001	238
Public Committee against Torture in Israel et al v Government of Israel et al ('Targeted Killings Case'), Judgment 13 December 2006, HCJ 769/02	210
Quinteros Almeida v Uruguay, UN Doc. CCPR/C/19/D/107/1981 (1983)	139, 140
Rights International v Nigeria, African Commission on Human and Peoples' Rights, Comm. No. 215/98 (1999)	191
Salhat (Morad Adnan) and the Public Committee Against Torture in Israel v Government of Israel, HCJ 5100/94	201, 203, 204
Sánchez (Juan Humberto) v Honduras, Series C No 99 (7 June 2003)	144
Sarma v Sri Lanka, UN Doc. CCPR/C/78/D/950/2000 (2003)	141
Schmidt and Dahlstrom v Sweden (1976) 1 EHRR 632	3
Seker v Turkey, No 52390/99 (21 February 2006)	145
Soering v UK, 14038/88, ECHR, judgment of 7 July 1989; Series A, Vol.161 (1989)	158, 191
Street Children v Guatemala, Reparations and Costs, IACtHR Judgment of 26 May 2001	118

Tahsin Acar v Turkey, ECHR 2004-III	145
Tibi v Ecuador, Preliminary Objections, Merits, Reparations and Costs, IACtHR Judgment of 7 September 2004	116, 119, 120, 122, 123, 124, 126, 127, 128, 135
Timurtas v Turkey, ECHR 2000-VI	145
Trujillo-Oroza v Bolivia (Costs), Series C No. 92 (27 February 2002)	145
Urrutia (Maritza) v Guatemala, Merits, Reparations and Costs, IACtHR Judgment of 27 November 2003	116, 119, 120, 121, 122, 123, 124, 126, 127, 128, 129, 130, 131, 135, 136
Varnava and others v Turkey, Nos 16064/90 and others (Grand Chamber, 18 September 2009)	145, 146, 148
Velásquez-Rodríguez v Honduras, Reparations and Costs, IACtHR Judgment of 21 July 1989	118, 124, 128
Velásquez-Rodríguez v Honduras (Merits), Series C No. 4 (29 July 1988)	144
Vicente and others (Arhuaco Community) v Colombia, UN Doc. CCPR/C/60/D/612/1995 (1997)	140
WM v Denmark, 17392/90, admissibility decision of 14 October 1992	177
X v Federal Republic of Germany 1611/62, 25 September 1965, 8 Ybk ECHR 158	177
Yassin et al v Commander of the Ketziot Military Camp HCJ 5591/02	212
Zaurbekova v Russia, No 27183/03 (22 January 2009)	146

Table of treaties

African Charter of Human and Peoples' Rights	194
Art 1–Art 2	191
Art 5	147, 201
Art 6	147
Art 12	191
Art 18	194
African Union Constitutive Act 2000	239
Art 4(g)–(h)	239
African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)	183
Art 11(4)–(5)	197
Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)	53, 58, 60
American Convention on Human Rights	115, 119, 123, 166, 194
Art 1	166, 191
Art 4	144, 201
Art 5	115, 119, 144
Art 5(1)	144
Art 5(2)	144, 201
Art 7	144
Art 17	194
Art 27	201
Art 50	117
Art 63(1)	115, 116, 117
European Convention for the Prevention of Torture	87, 91, 97, 105, 106, 201
Art 1	93
Art 2	91, 93
Art 7	91, 92
Preamble	93
European Convention on Human Rights	93, 176, 178, 179
Art 1	166, 176, 178, 191
Art 2	146
Art 3	146, 201
Art 5	145
Art 11	3, 4
Art 15	201
Protocol 1	194
Art 1	197
Protocol 11	161

Geneva Conventions 1949	147, 241
Common Article 3	201
Geneva Convention relative to the Protection of Civilian Persons in Time of War (1949) ('Geneva IV')	194
Art 3	147
Art 4	211
Art 5	148
Art 11	147
Art 27	147
Art 30	147
Art 32	201
Art 43	147
Art 49	147, 211, 212, 217
Art 54	147
Art 64	147
Art 71	147
Art 72	147, 148
Art 76	147
Art 101	147
Art 106	147
Art 107	147
Art 112	148
Art 116	147
Art 128	147
Art 130	147
Art 136–Art 140	147
Art 143	147
Art 147	147
Geneva Convention relative to the Treatment of Prisoners of War (1949) ('Geneva III'):	
Art 3	148
Art 13	148
Art 17	201
Art 48	148
Art 70	148
Art 78	148
Art 87	201
Art 104–Art 105	148
Art 120–Art 123	148
Art 126	148
Art 130	148
Protocol I on Protection of Victims of International Armed Conflicts (1977)	148
Art 32–Art 33	148
Art 45	148
Art 51(3)	208
Art 51(5)(b)	209
Art 75	201
Protocol II on Protection of Victims of Non-International Armed Conflicts (1977) ...	148
Art 4	201
Art 5(2)	148
Genocide Convention 1948	241
Art 4	190
Inter-American Convention on Forced Disappearance of Persons 1994	137, 138

Art 2	138
Inter-American Convention to Prevent and Punish Torture 1987	201
International Covenant on Civil and Political Rights 1966	13, 139, 144, 161, 166, 174, 194, 197, 202, 212
Art 1	212
Art 2(1)	166, 188, 191
Art 4	148, 201
Art 6	139, 141, 161
Art 7	139, 140, 141, 200, 202
Art 9	139, 141
Art 10	141
Art 10(1)	139
Art 12(4)	197
Art 16	141
Art 23	194
First Optional Protocol	13, 86, 202
Art 1	174
International Covenant on Economic, Social and Cultural Rights 1966	13, 161, 212, 219, 220
Art 1	212
Art 11	197
Art 12	8, 39
Optional Protocol	69
Art 11	89
Organization of American States Charter	
Art 106	166
Rome Statute of the International Criminal Court 1998	138, 140, 141, 160, 241
Art 6	241
Art 7	160, 241
Art 7(1)(i)	148
Art 7(2)(b)	196
Art 7(2)(i)	148
Art 8	241
Art 8(2)(a)(ii)	201
Art 8(2)(c)(i)	201
Statute of the United Nations High Commissioner for Refugees	184, 186, 192
UN Charter	23, 28, 35, 190, 195, 229, 230, 233, 234, 237, 238
Art 1(3)	35, 229
Art 39	231, 236, 237
Art 40–Art 42	236, 237
Art 51	233
Art 55	229
Art 55(c)	13, 195
Art 56	13, 229
Art 68	14
Preamble	229
UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	86, 87, 105, 107, 201, 202, 203
Art 2	89, 142

Art 11	142
Art 14	134
Art 16	142
Art 20	89, 90, 92
Art 20(1)	90
Optional Protocol	85, 86, 87, 89, 94, 95, 96, 97, 98, 100, 101, 102, 103, 106, 107, 108, 109, 110, 111
Art 2(2)	109
Art 3	100
Art 4	93
Art 5(1)	85
Art 5(3)	97
Art 7(1)(b)	85
Art 8	85
Art 10(3)	106
Art 11	93
Art 11(b)(i)–(iv)	102
Art 13(1)	93
Art 13(4)	93, 99
Art 16	90
Art 16(3)–(4)	106
Art 17	100
Art 18	102
Art 19	102
Art 19(b)	109
Art 20	102
Art 24	100
Art 24(2)	106
UN Convention for the Protection of All Persons from Enforced	
Disappearance 2006	68–9, 85, 137, 139
Art 1(1)	148
Art 1(2)	147, 148
Art 2	139, 149, 153
Art 4	149
Art 6(1)(a)	149
Art 9	149
Art 11	149
Art 17	153
Art 17(1)	147, 152, 153
Art 17(2)	152
Art 17(2)(c)	152, 153
Art 17(2)(d)	152
Art 18	156
Art 18(1)	152, 153
Art 19	153
Art 20	153, 154, 156
Art 20(1)	153, 154
Art 20(2)	152
Art 26	69, 156
Art 33	89
UN Convention on the Elimination of All Forms of Discrimination Against Women	
Optional Protocol	
Art 8	89, 90

UN Convention on the Rights of Persons with Disabilities	
Art 33	89
Optional Protocol	
Art 6	89
UN Convention on the Rights of the Child	73
Optional Protocol	69
UN Convention Relating to the Status of Refugees 1951	183, 184, 185, 186, 187, 188, 189, 192, 194, 195, 198
Art 1A(2)	185, 186, 187
Art 12	194
Art 18	195
Art 21	187–8, 194
Art 23–Art 24	194
Art 28	188
Art 30	194
Art 31	192
Art 34	194
Art 35	188, 197
Protocol	183, 184
Universal Declaration of Human Rights 1948	2, 13, 14, 23, 28, 29, 39, 64, 195
Art 25	195
Vienna Convention on the Law of Treaties 1969	
Art 31–Art 32	154
World Health Organization Constitution	39

Table of statutes

Companies Act 2006	10	United States legislation	
s 172	6	Constitution	
South African legislation		Art 2	167
Medicines and Related Substance Act ..	53		