



**United Nations**

# **Report of the Human Rights Committee**

**126th session  
(1–26 July 2019)**

**127th session  
(14 October–8 November 2019)**

**128th session  
(2–27 March 2020)**

**General Assembly  
Official Records  
Seventy-fifth Session  
Supplement No. 40**



# Report Of The Human Rights Committee

**Anna-Lena Svensson-McCarthy**



## **Report Of The Human Rights Committee:**

The Law and Process of the U.N. Human Rights Committee Kirsten Young, 2021-11-15 Volume 26 in the Procedural Aspects of International Law Monograph Series The Law and Process of the U N Human Rights Committee focuses attention how the Committee functions as a decision making body and brings to light troubling flaws in the Committee s operations that may undermine its ability to induce compliance Published under the auspices of the Procedural Aspects of International Law Institute PAIL For more information about PAIL please go to Pail Institute org Published under the Transnational Publishers imprint *Report of the Human Rights Committee* United Nations. Human Rights Committee, 2003 *Annex to the Report of the Human Rights Committee* United Nations. Human Rights Committee, 1981 **UN Human Rights Treaty Bodies** Leena Grover, 2012-04-16 An analysis of the UN human rights treaty bodies their methods of interpretation their effectiveness and issues of legitimacy Elements of War Crimes under the Rome Statute of the International Criminal Court Knut Dörmann, 2003-03-27 The Elements of War Crimes will assist the International Criminal Court ICC in the interpretation and application of the articles of the ICC Statute defining the crimes under its jurisdiction These will not only be necessary for the future work of the ICC in interpreting the crimes provisions but also for national courts which have primary responsibility in the prosecution of international crimes under the Rome Statute This commentary provides a critical insight into the travaux pr paratoires of the Preparatory Commission leading to the adoption of the elements of war crimes It contains an analysis of existing case law related to each war crime in the Statute It will provide States judges prosecutors and international and national lawyers with key background information to implement international humanitarian law in future cases dealing with war crimes under the ICC A unique indispensable tool for prosecuting and defense lawyers working in international criminal law *The Judicial Application of Human Rights Law* Nihal Jayawickrama, 2017-07-20 Since the proclamation of the Universal Declaration of Human Rights over 165 countries have incorporated human rights standards into their legal systems the resulting jurisprudence from diverse cultural traditions creates new dimensions to concepts first articulated in 1948 In this revised second edition Nihal Jayawickrama draws on extensive sources to encapsulate the judicial interpretation of human rights law in one comprehensive volume Jayawickrama covers the case law of the superior courts of 103 countries in America Europe Africa Asia the Caribbean and the Pacific as well as jurisprudence of human rights monitoring bodies He analyses the judicial application of human rights law to demonstrate empirically the universality of contemporary human rights norms This definitive volume is essential for legal practitioners and government and non governmental officials as well as academics and students of both constitutional law and the international law of human rights

**International Terrorism: Legal Challenges and Responses. A Report by the International Bar Association's Task Force on Terrorism** IBA, 2021-11-15 As a response to recent global terrorist activities The International Bar Association IBA established a Task Force on International Terrorism which has examined the problems of modern terrorism

from the perspective of the rule of law and international law and practice In its recent report reproduced here The Task Force analyses the impact of recent terrorist events on international law and the response by both individual states and the international community It explores areas of law which need to be further developed and promotes the fundamental values underpinning the international legal system The report suggests means by which the international community can co operate to deter prevent and bring to justice the perpetrators of terrorist acts Published under the Transnational Publishers imprint

**The Impact of the United Nations Human Rights Treaties on the Domestic Level** Christof Heyns, Frans Viljoen, 2021-08-04 The six main United Nations human rights treaties enjoy almost universal ratification today Almost 80 per cent of the possible ratifications have been made and every Member State of the UN has ratified at least one of these treaties The nearly universal acceptance of the treaties on the formal level however does not automatically translate into the norms contained in these documents being made a reality in the lives of the billions of people living in these countries The treaty system is notoriously weak in terms of international enforcement and there is a general suspicion that it has had little impact at the domestic level Mechanisms to improve the international enforcement mechanisms of the six main treaties have been a topic of discussion and research for many years but the domestic impact of the treaties has never been investigated in a systematic and comprehensive manner This book constitutes the most ambitious attempt so far to establish the impact of the treaties at the domestic level The following treaties in 20 United Nations Member States are investigated the Convention on the Elimination of All Forms of Racial Discrimination the Covenant on Economic Social and Cultural Rights the Covenant on Civil and Political Rights the Convention on the Elimination of All Forms of Discrimination Against Women the Convention Against Torture and the Convention on the Rights of the Child This book reflects the findings of 20 researchers based in the countries investigated under the leadership of Professors Christof Heyns and Frans Viljoen of the Centre for Human Rights University of Pretoria in a study done in co operation with the United Nations High Commissioner for Human Rights The influence of the treaties in each of the 20 countries is investigated in respect of its influence on the continuation legislation court cases policies and practices and the impact of the treaty system in civil society In an overview chapter by the study leaders based on a comparison of the available data common trends and patterns are identified and recommendations about reforms on the national and international level are made This is a book that should be read by all those interested in the development of the international human rights system *The Admissibility of Human Rights Petitions* Tom

Zwart, 2022-06-08 Both global and regional human rights treaties have established international institutions offering recourse if a State party fails to comply with its obligations under the treaty Many of these institutions have jurisdiction to consider complaints brought by individuals claiming that a State party has violated the rights enumerated in the treaty However these same institutions appear no longer merely to confine themselves to considering individual petitions Due to the growing number of complaints they have become increasingly preoccupied with managing their workload The present volume focuses

attention on two international institutions one regional the European Commission on Human Rights and one global the Human Rights Committee It thoroughly examines the admissibility conditions of both the Commission and the Court by means of their case law and discusses possible changes which might reduce this case load Chapter 2 discusses the procedural aspects of both systems in particular the division of labour and the various stages of the proceedings Chapters 3 9 explore the case law of both organs concerning admissibility conditions and such topics as competence *ratione personae* including standing the victim requirement and State responsibility competence *ratione temporis* competence *ratione materiae* inadmissibility *pendente lite* and the exhaustion of local remedies      The Concept of Security in International Law Hitoshi Nasu, 2022-12-23 This book explores how the concept of security interacts with the rigid framework of international law to test the hypothesis that the system of public order among states is regulated under the rule of law      The International Law of Human Rights and States of Exception Anna-Lena Svensson-McCarthy, 2021-09-27 This study demonstrates the extensive protection that international law provides to human rights even in the most serious of emergencies when they are particularly vulnerable Based on a meticulous analysis of preparatory works and practice under the International Covenant on Civil and Political Rights as well as the American and European Conventions on Human Rights and with a special chapter on the International Labour Organisation s approach to international labour standards and emergencies this book shows that respect for the rule of law and the concept of a democratic society are controlling parameters in any valid limitation on the enjoyment of human rights It further shows that respect for human rights and the operation of institutions such as the Legislature and Judiciary are crucial to enabling societies to address and eventually remedy the root causes of emergency situations The study recommends possible directions for the development of case law and suggests some practical means to help ensure that international legal requirements are in fact respected in emergencies

**Indigenous Peoples in International Law** S. James Anaya, 2004 In this thoroughly revised and updated edition of the first book length treatment of the subject S James Anaya incorporates references to all the latest treaties and recent developments in the international law of indigenous peoples Anaya demonstrates that while historical trends in international law largely facilitated colonization of indigenous peoples and their lands modern international law s human rights program has been modestly responsive to indigenous peoples aspirations to survive as distinct communities in control of their own destinies This book provides a theoretically grounded and practically oriented synthesis of the historical contemporary and emerging international law related to indigenous peoples It will be of great interest to scholars and lawyers in international law and human rights as well as to those interested in the dynamics of indigenous and ethnic identity      *Detention in Non-international Armed Conflict* Lawrence Hill-Cawthorne, 2016 International law has long differentiated between international and non international armed conflicts traditionally regulating the former far more comprehensively than the latter This is particularly stark in the case of detention where the law of non international armed conflict contains no rules on

who may be detained what processes must be provided to review their detention and when they must be released Given that non international armed conflicts are now the most common form of conflict this is especially worrying and the consequences of this have been seen in the detention practices of states such as the US and UK in Iraq and Afghanistan This book provides a comprehensive examination of the procedural rules that apply to detention in non international armed conflict with the focus on preventive security detention or internment All relevant areas of international law most notably international humanitarian law and international human rights law are analysed in detail and the interaction between them explored The book gives an original account of the relationship between the relevant rules of IHL and IHRL which is firmly grounded in general international law scholarship treating the issue as a matter of treaty interpretation With that in mind and with reference to State practice in specific non international armed conflicts including those in Sri Lanka Colombia Nepal Afghanistan and Iraq it is demonstrated that the customary and treaty obligations of States under human rights law continue absent derogation to apply to detention in non international armed conflicts The practical operation of those rules is then explored in detail The volume ends with a set of concrete proposals for developing the law in this area in a manner that builds upon rather than replaces the existing obligations of States and non State armed groups

**National Human Rights Action Planning** Azadeh Chalabi, 2018-07-18 This book deals with human rights action planning as a largely under researched area from theoretical doctrinal empirical and practical perspectives and as such provides the most comprehensive studies of human rights planning to date At the theoretical level by advancing a novel general theory of human rights planning it offers an alternative to the traditional state centric model of planning This new theory contains four sub theories contextual substantive procedural and analytical ones At the doctrinal level by conducting a textual analysis of core human rights conventions it reveals the scope and nature of the states obligation to adopt a plan of action for implementing human rights At the empirical level a cross case analysis of national human rights action plans of 53 countries is conducted exploring the major problems of these plans in different phases of planning and uncovering the underlying causes of these problems At the practical level this volume sets out how these plans should be developed and implemented how they can be best monitored by international human rights bodies and how to maximize their effectiveness With discussions bridging human rights theory and practice and development discourse this book will be a useful resource for a wide range of audiences from academics of different disciplines law human rights social policy political science political philosophy legal philosophy development studies planning studies socio legal studies to governments human rights practitioners and the UN human rights bodies

**Human Rights and Islam** Abdullah Saeed, 2018-04-27 Is there a basis for human rights in Islam Beginning with an exploration of what rights are and how the human rights discourse developed Abdullah Saeed explores the resources that exist within Islamic tradition He looks at those that are compatible with international human rights law and can be garnered to promote and protect human rights in Muslim majority states A

number of rights are given specific focus including the rights of women and children freedom of expression and religion as well as jihad and the laws of war Human Rights and Islam emphasises the need for Muslims to rethink problematic areas of Islamic thought that are difficult to reconcile with contemporary conceptions of human rights *Organizing Rebellion*

Tilman Rodenhäuser, 2018-03-09 The number of non state actors in the past not accountable for committing international crimes or violating human rights is proliferating rapidly Their ways of operating evolve with some groups being increasingly fragmented and others organizing transnationally or in cyber space As non state armed groups are involved in the vast majority of today's armed conflicts and crisis situations a new and increasingly important question has to be raised as to whether and at what point these groups are bound by international law and thereby accountable for their acts Breaking new ground in addressing international human rights law international criminal law and international humanitarian law in one swoop Rodenhäuser's text will be essential to academics and practitioners alike Self-Determination of Peoples Antonio

Cassese, 1995 The self determination of peoples is a major issue in the world community both radical and subversive it serves to grant statehood to oppressed peoples but also to disrupt existing State structures This book the first comprehensive legal account sets out to trace how this political ideal has turned into an international legal standard Scrutinising State practice through national digests and UN proceedings the author pinpoints the limits within which this political postulate has gained a foothold in the body of international law and assesses the extent to which it has had an impact on existing legal norms This is primarily a legal inquiry which however looks at law within its historical and political context and given its judicial underpinning makes an important contribution to the study of the interplay of law history and politics in international relations *International Economic Actors and Human Rights* Adam McBeth, 2009-09-28 In noting that the actions of

entities other than states in the economic arena can and often do have a profound effect on human rights this book poses the question as to how international human rights law can and should address that situation This book takes three very different categories of international actor the World Trade Organization the international financial institutions World Bank and IMF and multinational enterprises and analyses the interaction of each category with human rights in each case analysing the interaction of the different fields of law and seeking to identify a role for international human rights law Adam McBeth concludes that each of the selected international economic actors can and should be considered to operate within a holistic system of international law including human rights obligations but that changes in the operations and the accountability mechanisms for each actor are necessary for the practical implementation of that approach While written from a human rights perspective the underlying theme of the book is one of engagement and harmonisation rather than condemnation It provides valuable insight for those who approach this topic from a background of international trade law commercial law or general international law just as much as those who have a human rights background *International Economic Actors and Human Rights* will be of great interest to those studying or working in any field of international economic law as well as

human rights scholars and practitioners      **The Accountability of Armed Groups under Human Rights Law** Katharine Fortin, Foreword by Andrew Clapham, 2017-08-11 Today the majority of the armed conflicts around the world are fought between States and armed groups rather than between States. This changed conflict landscape creates an imperative to clarify the obligations of armed groups under international law. While it is generally accepted that armed groups are bound by international humanitarian law, the question of whether they are also bound by human rights law is controversial. This book brings significant new understanding to the question of whether and when armed groups might be bound by human rights law. Its conclusions will benefit international law academics, legal practitioners and political scientists and anthropologists working on issues related to rebel governance and civil wars. This book addresses the debate on this topic by employing a theoretical, historical and comparative analysis that spans international humanitarian law, international criminal law and international human rights law. Embedding these different perspectives in public international law, this book brings several key points of clarification to the legal framework. Firstly, the book draws upon social science literature on armed conflict to present a new viewpoint on the role that human rights law plays vis-à-vis international humanitarian law in non-international armed conflicts. Secondly, the book sheds light on the circumstances in which armed groups acquire obligations under human rights law. It brings illumination to these topics by combining historical and comparative research on belligerency, insurgency and international humanitarian law with a theoretical analysis of legal personality under international law. In the final part of the book, the author tests the four most utilised theories of how armed groups are bound by human rights law, examining whether armed groups can be bound by virtue of i) treaty law, ii) control of territory, iii) international criminal law and iv) customary international law. In the book's conclusions, the author presents final remarks that are designed to provide concrete guidance on how the issue of armed groups and human rights law can be dealt with more thoroughly in practice.

**Human Rights Protection for Refugees, Asylum-Seekers, and Internally Displaced**

**Persons: A Guide to International Mechanisms and Procedures** Joan Fitzpatrick, 2021-11-22 This volume provides a detailed and concrete analysis of how human rights complaints mechanisms can be accessed by refugees, asylum seekers and internally displaced persons. The guide offers a thorough explanation of the United Nations human rights treaty bodies with a focus upon the four committees authorized to receive communications from individuals. Detailed information is provided concerning procedural requirements while the treaties are analyzed for their relevance to the forcibly displaced. United Nations mechanisms are also examined with an emphasis on the thematic and country special procedures of the Commission on Human Rights. Published under the auspices of the Procedural Aspects of International Law Institute (PAIL). For more information about PAIL, please go to [pail.institute.org](http://pail.institute.org). Published under the Transnational Publishers imprint.



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