Litigating Transnational Human Rights Obligations

Alternative Judgments

Edited by Mark Gibney
and Wouter Vandenhole
Contents

Preface xi
List of Contributors xiii

1 Introduction: Transnational Human Rights Obligations 1
   WOUTER VANDENHOLE AND MARK GIBNEY

PART I
International Economic Governance Bodies 11

2 U.S. Trade Sanctions (World Trade Organization, Panel Report) 13
   CLAIRE BUGGENHOUT

3 Biofuels and the Right to Food (World Trade Organization, Panel Report) 31
   ALEXIA HERWIG

4 Land Grabbing and Gender Issues (International Finance Corporation, Compliance Advisor Ombudsman) 49
   JOSS SAUNDERS

PART II
Global (Human Rights) Monitoring Bodies 61

5 Putting an End to Victims Without Borders: Child Pornography (Committee on the Rights of the Child) 63
   GAMZE ERDEM TURKELLI

6 Shared Responsibility for the Right to Health (Committee on Economic, Social and Cultural Rights) 79
   RACHEL HAMMONDS AND GORIK OOMS
7 Economic, Social and Cultural Rights of the Purak Peoples
(Committee on Economic, Social and Cultural Rights) 99
JERNEJ LETNAR ČERNIČ

8 “Only the Little People Pay Taxes”: Tax Evasion and
Switzerland’s Extraterritorial Obligations to Zambia
(Committee on Economic, Social and Cultural Rights) 116
NICHOLAS J. LUSIANI

9 Labour Rights in a Transnational Perspective
(Committee on Economic, Social and Cultural Rights) 135
ARNE VANDENBOGAERDE

10 Climate Change (Human Rights Committee,
Ad Hoc Conciliation Commission) 155
MARGREET WEVERINK

11 Development Assistance to Education for Children
with Disabilities (Committee on the Rights of
Persons with Disabilities) 172
WOUTER VANDENHOLE

12 Land Grabbing in Uganda by a Multinational Corporation
(World Court of Human Rights) 186
CHRISTOPHER MIBAZIRA

13 Structural Adjustment and Farmers’ Suicides in India
(International Court of Justice) 202
AMITA PUNJ

14 (Economic) Crimes Against Humanity
(International Criminal Court, Appeals Chamber) 221
MICHAEL WABWILE

PART III
Regional Human Rights Monitoring Bodies 237

15 Public Duties for Private Wrongs: Regulation of
Multinationals (African Commission on
Human and Peoples’ Rights) 239
TAKELE SOBOKA BULTO

16 Forced Evictions in Zimbabwe (African Commission
on Human and Peoples’ Rights) 261
KHULEKANI MOYO
<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>17</td>
<td>Land Grabbing in South America (Inter-American Human Rights Commission)</td>
<td>283</td>
</tr>
<tr>
<td></td>
<td>Ana María Suárez-Franco</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>Enforcing Extraterritorial Social Rights in the Eurozone Crisis (European Committee of Social Rights)</td>
<td>302</td>
</tr>
<tr>
<td></td>
<td>Matthias Sant'Anna</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>Military Interventions in Non-European States (European Court of Human Rights)</td>
<td>325</td>
</tr>
<tr>
<td></td>
<td>Nico Moons</td>
<td></td>
</tr>
<tr>
<td><strong>PART IV</strong></td>
<td>Domestic Courts</td>
<td>339</td>
</tr>
<tr>
<td>20</td>
<td>Extraordinary Rendition (U.S. Supreme Court)</td>
<td>341</td>
</tr>
<tr>
<td></td>
<td>Mark Gibney</td>
<td></td>
</tr>
</tbody>
</table>

**Index**

358