

## INTERNATIONAL LAW AND CANNABIS



INTERNATIONAL LAW  
AND CANNABIS

Regulation of Cannabis Cultivation  
and Trade for Recreational Use:  
Positive Human Rights Obligations  
versus UN Narcotic Drugs Conventions

Volume II

Piet Hein VAN KEMPEN  
Masha FEDOROVA



intersentia

Cambridge – Antwerp – Chicago

Intersentia Ltd  
8 Wellington Street | Cambridge  
CB1 1HW | United Kingdom  
Tel.: +44 1223 736 170  
Email: [mail@intersentia.co.uk](mailto:mail@intersentia.co.uk)  
[www.intersentia.com](http://www.intersentia.com) | [www.intersentia.co.uk](http://www.intersentia.co.uk)

*Distribution for the UK and Ireland:*  
NBN International  
Airport Business Centre, 10 Thornbury Road  
Plymouth, PL6 7PP  
United Kingdom  
Tel.: +44 1752 202 301 | Fax: +44 1752 202 331  
Email: [orders@nbninternational.com](mailto:orders@nbninternational.com)

*Distribution for Europe and all other countries:*  
Intersentia Publishing nv  
Groenstraat 31  
2640 Mortsel  
Belgium  
Tel.: +32 3 680 15 50 | Fax: +32 3 658 71 21  
Email: [mail@intersentia.be](mailto:mail@intersentia.be)

*Distribution for the USA and Canada:*  
Independent Publishers Group  
Order Department  
814 North Franklin Street  
Chicago, IL 60610  
USA  
Tel.: +1 800 888 4741 (toll free) | Fax: +1 312 337 5985  
Email: [orders@ipgbook.com](mailto:orders@ipgbook.com)

## International Law and Cannabis. Regulation of Cannabis Cultivation and Trade for Recreational Use: Positive Human Rights Obligations versus UN Narcotic Drugs Conventions

© Piet Hein van Kempen and Masha Fedorova 2019

The authors have asserted the right under the Copyright, Designs and Patents Act 1988, to be identified as authors of this work.

No part of this book may be reproduced, stored in a retrieval system, or transmitted, in any form, or by any means, without prior written permission from Intersentia, or as expressly permitted by law or under the terms agreed with the appropriate reprographic rights organisation. Enquiries concerning reproduction which may not be covered by the above should be addressed to Intersentia at the address above.

Artwork on cover: © 123RF

ISBN 978-1-78068-871-8

D/2019/7849/106

NUR 828



British Library Cataloguing in Publication Data. A catalogue record for this book is available from the British Library.

## PREFACE

What legal avenues are there to regulate cannabis cultivation and trade for recreational use? This question has generated heated discussions in various societies, in political and academic discourses. Several states are considering or have adjusted their legal and policy approaches towards a more lenient regulation of cannabis cultivation and trade for the recreational user market. These discussions have been the overture for two academic studies that we have conducted recently.

The first study focused on the question to what extent are domestic initiatives involving regulation of cannabis cultivation for recreational use compatible with the relevant UN narcotic drugs conventions and European Union law. It was this question that took centre stage in the political discussion in the Netherlands at that time. The results of this study were presented to the Minister of Justice and Security in the Netherlands in 2014.<sup>1</sup> Because of the limitation of this first study to the framework of UN and EU law regulating drugs only, we decided to complement our research by involving international law more broadly and by looking more specifically at the positive human rights obligations.

The second study covered two questions. First, to what extent can regulation of cannabis for recreational use, for the sake of health, safety and crime control, be considered a positive human rights obligation resulting from the right to health, the right to life, the right to physical and psychological integrity and the right to privacy. In the event this obligation can be established, the second question concerned the hierarchical relationship between these positive human rights obligations and the obligations arising from the UN drugs conventions and EU anti-drugs laws. This second study was presented to politicians in the Netherlands in 2016.<sup>2</sup> Since that time, the developments in the Netherlands have progressed to the extent that the government has decided to set up an experiment for legal supply of cannabis to point-of-sale for recreational use. The legislation concerning this experiment is being prepared as we speak.

---

<sup>1</sup> Piet Hein P.H.M.C. van Kempen & Masha I. Fedorova, *Internationaal recht en cannabis. Een beoordeling op basis van VN-drugsverdragen en EU-regelgeving van gemeentelijke en buitenlandse opvattingen pro regulering van cannabisteelt voor recreatief gebruik*, Deventer: Wolters Kluwer, 2014.

<sup>2</sup> Piet Hein P.H.M.C. van Kempen & Masha I. Fedorova, *Internationaal recht en cannabis II. Regulering van cannabisteelt en -handel voor recreatief gebruik: positieve mensenrechtenverplichtingen versus VN-drugsverdragen*, Deventer: Wolters Kluwer, 2016.

Due to the topical nature of the issue and the ongoing discussions on national and international levels, we decided to make our both studies available to a broader academic forum to which end these books have been translated and updated:

- Piet Hein P.H.M.C. van Kempen & Masha I. Fedorova, *International Law and Cannabis I. Regulation of Cannabis Cultivation for Recreational Use under the UN Narcotic Drugs Conventions and the EU Legal Instruments in Anti-Drugs Policy*, Cambridge: Intersentia, 2019.
- Piet Hein P.H.M.C. van Kempen & Masha I. Fedorova, *International Law and Cannabis II. Regulation of Cannabis Cultivation and Trade for Recreational Use: Positive Human Rights Obligations versus UN Narcotic Drugs Conventions*, Cambridge: Intersentia, 2019.

For the fine translation work we are indebted to Mr. Paul de Wit, *Dutch Translations*, London. We are also grateful to the publishing house Intersentia for their patience and support in publishing the two books.

All errors are our own. The sources have been updated and all the websites were accessible on 1 January 2019.

Piet Hein van Kempen and Masha Fedorova

# CONTENTS

<i>Preface</i> .....	v
<i>List of Cases and Decisions</i> .....	xv
<i>List of Abbreviations</i> .....	xxiii
<b>Chapter 1. Introduction</b> .....	<b>1</b>
1.1. Rationale and Purpose of the Research .....	1
1.2. Central Question and Design of the Research .....	2
1.2.1. Positive Human Rights Obligations: Chapter 2 .....	2
1.2.2. Human Rights Conventions versus UN Narcotic Drugs Conventions: Chapter 3 .....	3
1.2.3. Synthesis and Conclusions: Chapter 4 .....	4
1.2.4. Schematic Representation of the Research .....	4
1.3. Relevant Definitions .....	5
1.4. Relevance of Human Rights in Other Respects .....	7
1.4.1. The Fight Against Drugs Leads to Infringements and Violations of Human Rights .....	7
1.4.2. Human Rights Necessitate the Application of Harm Reduction Measures .....	8
1.4.3. A Human Right to Cannabis Cultivation, Trade and/or Use? .....	8
1.5. The Research: Choices and Limitations .....	11
1.5.1. Four Human Rights .....	11
1.5.2. Emphasis on Positive Obligations .....	11
1.5.3. Four Human Rights Conventions .....	12
1.5.4. Recreational Cannabis, Excluding Medicinal Cannabis .....	14
1.5.5. Research into Positive Law and Hypothesis of Actual Validity .....	14
1.6. Methodology .....	15
1.7. Legal Sources .....	16
1.7.1. The Conventions .....	16
1.7.2. Jurisprudence and Reports .....	16
1.7.3. Human Rights Committees at ICESCR, ESCR and ICCPR .....	17
1.7.4. European Court of Human Rights (ECtHR) .....	18
1.7.5. International Court of Justice (ICJ) .....	19
1.7.6. UN Special Rapporteur on the Right to Health .....	20
1.7.7. International Law Commission (ILC) .....	21

1.7.8. International Narcotics Control Board (INCB). . . . . 21  
 1.7.9. Commission on Narcotic Drugs (CND). . . . . 22  
 1.8. Conclusion . . . . . 22

**Chapter 2. Cannabis Regulation on the Basis of Positive Human Rights Obligations? . . . . . 23**

2.1. Introduction . . . . . 23  
 2.2. Positive Obligations as a Legal Concept . . . . . 24  
 2.3. Obligations of States Ensuing from the Right to Health . . . . . 26  
     2.3.1. Arguments for Regulation Based on Individual and Public Health . . . . . 27  
     2.3.2. Article 25 Universal Declaration of Human Rights as the Basis . . . 28  
     2.3.3. Rationale for the Right to Health. . . . . 29  
     2.3.4. What is Understood by Health? . . . . . 30  
     2.3.5. Level of Guarantee for Right to Health ('Highest Attainable Standard') . . . . . 32  
     2.3.6. Scope of Obligations Regarding the Right to Health . . . . . 33  
     2.3.7. General Obligations to Ensure the Right to Health . . . . . 36  
         i. General Provisions: Article 2 ICESCR and Part I Preamble ESC. . . . . 37  
         ii. Tripartite Typology: Obligations to Respect, Protect and Fulfil. . . . . 39  
         iii. Obligation for Progressively Achieving Full Realization . . . 43  
         iv. Ban on Retrogressive Measures. . . . . 44  
         v. Obligation to Take Steps. . . . . 45  
         vi. Obligation to Deploy All Appropriate Means . . . . . 46  
         vii. Obligation to Use Maximum Available Resources . . . . . 47  
         viii. Minimum Core Obligations . . . . . 48  
         ix. Primarity: National Authorities are Primarily Responsible for Realizing the Right to Health. . . . . 51  
         x. Discretion about Appropriate Means and Stricter Obligation to State Reasons . . . . . 57  
         xi. The Right to Health in Relation to Other International Instruments . . . . . 61  
     2.3.8. Specific Positive Obligations Flowing from the Right to Health . . . . . 62  
         i. The Specific Obligations in Article 12(2) of the ICESCR . . . 62  
         ii. The Specific Obligations in Article 11 ESC . . . . . 63  
         iii. Public Health versus Individual Health . . . . . 65  
     2.3.9. Relevance of Democratic Preferences and 'Presumption of Appropriateness' . . . . . 67



2.3.10.	Drugs, Alcohol and Tobacco and the Right to Health in the ICESCR and ESC . . . . .	70
i.	The Approach by the ICESCR Committee . . . . .	70
ii.	The Approach by the European CSR . . . . .	75
iii.	Conclusions about the Committees' Approach. . . . .	77
2.3.11.	Drugs and the Right to Health According to the UN Special Rapporteur . . . . .	78
2.3.12.	Conclusion as Regards the Right to Health . . . . .	81
i.	First Question: Does the Right to Health Preclude Regulated Permission? . . . . .	81
ii.	Second Question: Is Regulated Permission Required under the Right to Health?. . . . .	82
iii.	Third Question: Which Requirements does the Right to Health Impose on Cannabis Policy?. . . . .	85
iv.	Summary . . . . .	87
2.4.	States' Obligations Regarding Rights to Life, Against Inhuman Treatment and a Private Life?. . . . .	87
2.4.1.	Arguments in Favour of Regulation, Based on the Safety of Citizens and Crime Control. . . . .	89
2.4.2.	Treaty Provisions on Life, Inhuman Treatment and a Private Life . . . . .	91
2.4.3.	Rationale for Rights about Life, Inhuman Treatment and a Private Life . . . . .	93
2.4.4.	What is Covered by Life, Inhuman Treatment and a Private Life? . . . . .	94
i.	Life. . . . .	94
ii.	Inhuman Treatment . . . . .	95
iii.	Private Life . . . . .	97
iv.	Concluding Remark . . . . .	100
2.4.5.	Positive Protection Level of Rights Regarding Life, Inhuman Treatment and a Private Life (no 'Highest Attainable Standard'). . . . .	100
2.4.6.	Scope of Obligations Regarding the Rights Concerning Life, Inhuman Treatment and a Private Life. . . . .	101
2.4.7.	General Obligations to Safeguard the Rights Regarding Life, Inhuman Treatment and a Private Life. . . . .	102
i.	General Provisions: Article 2 ICCPR and Article 1 ECHR . . . . .	103
ii.	Tripartite Typology: Obligations to Respect, Protect and Fulfil. . . . .	103
iii.	No Obligation for Progressively Achieving the Full Realization, Instead an Obligation to Respect and Secure . . . .	105

iv.	No Ban on Retrogressive Measures. . . . .	106
v.	Obligation to Adopt Necessary Measures . . . . .	107
vi.	No Obligation to Use Maximum Available Resources. . . . .	109
vii.	Core Rights. . . . .	109
viii.	Primarity: National Authorities are Primarily Responsible for Realizing the Rights Regarding Life, Inhuman Treatment and Privacy . . . . .	110
ix.	Discretion about which Means are Appropriate . . . . .	113
x.	Rights Regarding Life, Inhuman Treatment and a Private Life in Relation to Other International Instruments . . . . .	118
2.4.8.	Specific Positive Obligations Resulting from the Right to Life. . . . .	119
i.	The Protection Requirement in Article 6 ICCPR and Article 2 ECHR . . . . .	120
ii.	Positive Obligations Pursuant to Article 6(1) ICCPR . . . . .	120
iii.	Positive Obligations Pursuant to Article 2 ECHR . . . . .	126
iv.	Summary of Findings Regarding Article 6 ICCPR and Article 2 ECHR . . . . .	132
2.4.9.	Specific Positive Obligations Flowing from the Right not to be Subjected to Inhuman Treatment . . . . .	133
i.	The Protection Requirement in Article 7 ICCPR and Article 3 ECHR. . . . .	133
ii.	Positive Obligations Pursuant to Article 7 ICCPR. . . . .	134
iii.	Positive Obligations Pursuant to Article 3 ECHR. . . . .	136
iv.	Summary of Findings Regarding Article 7 ICCPR and Article 3 ECHR. . . . .	138
2.4.10.	Specific Positive Obligations Flowing from the Right to a Private Life. . . . .	138
i.	The Protection Requirement in Article 17 ICCPR and Article 8 ECHR. . . . .	139
ii.	Positive Obligations Pursuant to Article 17(2) ICCPR . . . . .	140
iii.	Positive Obligations Pursuant to Article 8(1) ECHR. . . . .	141
iv.	Summary of Findings Regarding Article 17(2) ICCPR and Article 8(1) ECHR. . . . .	145
2.4.11.	Drugs, Alcohol and Tobacco and the Right to Health in the ICCPR and the ECHR . . . . .	146
2.4.12.	Conclusion Regarding the Right to Life, the Right not to be Subjected to Inhuman Treatment and the Right to a Private Life. . . . .	151
i.	First Question: Does the ICCPR or the ECHR Oppose Regulated Permission? . . . . .	151

ii.	Second Question: Is Regulated Permission Required under the Right to Life, the Right not to be Subjected to Inhuman Treatment and the Right to Privacy? . . . . .	151
iii.	Third Question: Which Conditions do the Rights Regarding Life, Inhuman Treatment and Privacy Impose on Cannabis Policy? . . . . .	156
iv.	Summary . . . . .	157
2.5.	Conclusion . . . . .	158

**Chapter 3. Interference between Human Rights Obligations and Obligations under the UN Narcotic Drugs Conventions. . . . . 161**

3.1.	Introduction . . . . .	161
3.2.	Approaches to Interference between International Norms . . . . .	163
3.3.	Order of Treatment . . . . .	166
3.4.	What is a ‘Conflict’ between Norms of International Law? . . . . .	167
3.4.1.	Narrow Definition of the ‘Conflict’ of Norms . . . . .	168
3.4.2.	Broad Definition of the ‘Conflict’ of Norms. . . . .	170
3.5.	Hierarchy of Sources and Norms, and the Lack of a Formal Hierarchy . . .	171
3.6.	Explicit Precedence Clauses in the Conventions. . . . .	173
3.7.	Classic Rules about Determining Priority and Precedence . . . . .	176
3.7.1.	‘Systems’, ‘Subsystems’, ‘Branches’, ‘Subsets’ and Institutional Units. . . . .	176
3.7.2.	Rules of Precedence in General . . . . .	180
3.7.3.	The Criterion of the ‘Same Subject Matter’ Test . . . . .	183
3.7.4.	Special versus General: Subject of the Conventions ( <i>Lex Specialis</i> ). . . . .	185
i.	Rationale for the <i>Lex Specialis</i> Rule. . . . .	185
ii.	Two Variants of the General/Specific Relationship . . . . .	186
iii.	Limitations to the Applicability of the <i>Lex Specialis</i> Rule . . .	187
iv.	Does the <i>Lex Specialis</i> Rule Apply to the Cannabis Issue? . . .	189
3.7.5.	New versus Old: Chronology of the Creation of Conventions ( <i>Lex Posterior</i> ). . . . .	193
i.	Rationale for the <i>Lex Posterior</i> Rule . . . . .	193
ii.	Dating of the Interfering Conventions. . . . .	194
iii.	Limitations to the Applicability of the <i>Lex Posterior</i> Rule . . . . .	194
iv.	Does the <i>Lex Posterior</i> Rule Apply to the Cannabis Issue? . . . . .	197
3.7.6.	Higher versus Lower ( <i>Lex Superior</i> ): General . . . . .	199
3.7.7.	<i>Lex Superior I</i> : Absolute Precedence of ‘ <i>Jus Cogens</i> ’ Norms . . . .	200

i.	A Closer Look at <i>Jus Cogens</i> in General . . . . .	201
ii.	<i>Jus Cogens</i> Status for Positive Human Rights Obligations? . . . . .	203
iii.	<i>Jus Cogens</i> Status for Obligations under Drugs Conventions? . . . . .	207
iv.	Conclusion . . . . .	208
3.7.8.	<i>Lex Superior II</i> : Precedence Pursuant to Article 103 UN Charter . . . . .	208
i.	More on Article 103 UN Charter in General . . . . .	209
ii.	Obligations in the Sense of Article 103 UN Charter . . . . .	210
iii.	Recognition of the ‘Human Rights’ in the UN Charter . . . . .	212
iv.	The Obligation to Respect Human Rights in the UN Charter . . . . .	213
v.	Precedence of Positive Human Rights Obligations Pursuant to Article 103 UN Charter? . . . . .	219
vi.	Do Obligations under Drugs Conventions Take Precedence Pursuant to Article 103 UN Charter? . . . . .	225
vii.	Conclusion . . . . .	226
3.7.9.	<i>Lex Superior III</i> : Special Substantive Status for Human Rights or Obligations from Drugs Conventions? . . . . .	227
i.	Special Substantive Status for Human Rights According to UN Institutions . . . . .	227
ii.	Basis of the Special Substantive Status of Human Rights: General . . . . .	231
iii.	Basis: Recognition in UN Charter and Council of Europe Statute . . . . .	231
iv.	Basis: Recognition as ‘ <i>Jus Cogens</i> ’ . . . . .	231
v.	Basis: Recognition as Customary Law . . . . .	232
vi.	Basis: Recognition as ‘ <i>Erga Omnes</i> ’ . . . . .	232
vii.	Basis: Recognition as ‘Integral Obligations’ . . . . .	234
viii.	Basis: Several Other Special International Recognitions . . . . .	237
ix.	Basis: European Human Rights Prevail Over Global International Law . . . . .	237
x.	Basis of the Special Substantive Status of Human Rights: Conclusion . . . . .	240
xi.	Qualifying the Special Substantive Status of Human Rights . . . . .	240
xii.	Special Substantive Status for the Obligations under the Drugs Conventions? . . . . .	241
xiii.	Conclusion . . . . .	246
3.7.10.	Conclusion: Human Rights Obligations have Priority or Even Take Precedence . . . . .	247

3.8. The Cannabis Issue: Solution via the Conflict Approach.....	249
3.9. Systemic Integration: Presumption of Compatibility and Presumption Against Conflict: Axioms for Harmonization .....	250
3.10. The Cannabis Issue: Solution via the Harmony Approach .....	253
3.10.1. The Axioms of Systemic Integration and the Cannabis Issue ...	254
i. Interpretation from Current International Law .....	254
ii. Shared Objectives and Values .....	257
iii. Striving Towards Maximum Retention of Norms. ....	259
3.10.2. Starting Points for Harmonization in the UN Drug Control System .....	260
i. INCB Approach.....	260
ii. Object and Purpose of the Drugs Conventions .....	260
iii. Focus on Transnational Problems and Approach.....	262
iv. Human Rights and Constitutional Clauses .....	264
v. Legal versus Illegal Cultivation and Trade.....	268
3.10.3. Starting Points for Regulation Given Specific Obligations under the Drugs Conventions .....	268
i. No Negative Consequences for Other Countries .....	269
ii. Combating Illegal Cannabis Cultivation and Trade.....	269
iii. Measures to Discourage Cannabis Use.....	269
iv. System of Estimates, Licensing System and Supervision... ..	270
3.10.4. Conflict with Obligation to Limit to ‘Medical and Scientific Purposes’ .....	271
i. Solution via Article 9 of the Single Convention? .....	271
ii. Solution by Including ‘Public Health Purposes’ in the Interpretation of Drugs Conventions? .....	272
iii. Solution by Including Interests of Public Health and Welfare in the Interpretation of Drugs Conventions? ..	273
3.10.5. Conclusion .....	274
3.11. State Responsibility under Regulated Permission? .....	275
3.12. Conclusion .....	278
3.12.1. Formal Priority Position of Positive Human Rights Obligations .....	279
3.12.2. Positive Human Rights Obligations Carry More Weight in a Substantive Sense .....	280
3.12.3. State Responsibility under International Law .....	280
3.12.4. Rejection of the Conflict Approach to Solve the Interference... ..	281
3.12.5. Axioms in Harmonization .....	281
3.12.6. Obligations under Drugs Conventions that can and Must be Maintained.....	282
3.12.7. Harmonizing Interpretation of Drugs Conventions with a View to Regulated Permission.....	283
3.12.8. Conclusion: Once More, the Hypothesis .....	284

<b>Chapter 4. Synthesis and Conclusions.</b> . . . . .	287
4.1. Introduction . . . . .	287
4.2. Relevant Arguments in Favour of Regulated Permission. . . . .	287
4.2.1. Arguments that are Directly Relevant from the Perspective of Positive Obligations. . . . .	288
4.2.2. Arguments that are not Directly Relevant from the Perspective of Positive Obligations. . . . .	289
4.3. Substantiation for the Claim that Regulated Permission is More Effective. . . . .	289
4.3.1. Requirement of Greater Effectivity . . . . .	290
4.3.2. Requirement of Plausibility . . . . .	291
4.3.3. Pilots . . . . .	293
4.4. Societal Support and National Democratic Decision-Making . . . . .	294
4.5. Position of Decentralised Authorities on Regulated Permission . . . . .	295
4.6. No Harm Abroad: A Closed System . . . . .	296
4.7. Requirement of a Policy that Discourages Cannabis Use. . . . .	297
4.8. Other Departure Points for Regulation . . . . .	299
4.9. Legalization, Decriminalization or Policy-Based Tolerance . . . . .	300
4.10. Cannabis Cultivation and Trade: Via the State, Companies or Cannabis Social Clubs? . . . . .	302
4.10.1. Governments and/or (Non) Commercial Activities in Private Sector . . . . .	302
4.10.2. Cannabis Social Clubs. . . . .	304
4.11. Conclusion . . . . .	304
<i>Bibliography</i> . . . . .	307
<i>Executive Summary of Volume I</i> . . . . .	325

# LIST OF CASES AND DECISIONS

## INTERNATIONAL COURT OF JUSTICE

ICJ, Judgment of 9 April 1949, <i>I.C.J. Reports</i> 1949 ( <i>Corfu Channel Case – The United Kingdom v. Albania</i> ) . . . . .	202
ICJ, Advisory Opinion of 28 May 1951, <i>I.C.J. Reports</i> 1951 ( <i>Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide</i> ) . . . . .	235, 257
ICJ, Preliminary Objections, Judgment of 21 December 1962, <i>I.C.J. Reports</i> 1962 ( <i>South West Africa Cases – Ethiopia v. South Africa</i> ) . . . . .	210
ICJ, Judgment of 20 February 1969, <i>I.C.J. Reports</i> 1969 ( <i>North Sea Continental Shelf cases – Federal Republic of Germany v. Denmark &amp; Federal Republic of Germany v. The Netherlands</i> ) . . . . .	186
ICJ, Judgment of 5 February 1970, <i>I.C.J. Reports</i> 1970 ( <i>Case Concerning the Barcelona Traction, Light and Power Company, Limited – Belgium v. Spain, Second Phase</i> ) . . . . .	233–234, 242
ICJ, Advisory Opinion of 21 June 1971, <i>I.C.J. Reports</i> 1971 ( <i>Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) Notwithstanding Security Council Resolution 276 (1970)</i> ) . . . . .	211, 216, 221, 251
ICJ, Judgment of 24 May 1980, <i>I.C.J. Reports</i> 1980 ( <i>United States Diplomatic and Consular Staff in Tehran – United States of America v. Iran</i> ) . . . . .	217
ICJ, Judgment of 24 February 1982, <i>I.C.J. Reports</i> 1982 ( <i>Case concerning the Continental Shelf – Tunisia v. Libyan Arab Jamahiriya</i> ) . . . . .	186
ICJ, Judgment 27 June 1986, <i>I.C.J. Reports</i> 1986 ( <i>Case concerning the Military and Paramilitary Activities in and against Nicaragua – Nicaragua v. United States</i> ) . . . . .	202
ICJ, Provisional Measures, Order of 14 April 1991, <i>I.C.J. Reports</i> 1992 ( <i>Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie – Libyan Arab Jamahiriya v. United States of America</i> ) . . . . .	210
ICJ, Judgment of 30 June 1995, <i>I.C.J. Reports</i> 1995 ( <i>Case concerning East Timor – Portugal v. Australia</i> ) . . . . .	234
ICJ, Advisory Opinion 8 July 1996, <i>I.C.J. Reports</i> 1996 ( <i>Legality of the Threat or Use of Nuclear Weapons</i> ) . . . . .	202
ICJ, Judgment of 25 September 1997, <i>I.C.J. Reports</i> 1997 ( <i>Gabčíkovo-Nagymaros Project (Hungary v. Slovakia)</i> ) . . . . .	52–53, 221, 251
ICJ 9 July 2004, Advisory Opinion, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory . . . . .	54, 202, 242, 255
ICJ, Judgment of 26 February 2007, <i>I.C.J. Reports</i> 2007 ( <i>Application of the Convention on the Prevention and Punishment of the Crime of Genocide – Bosnia and Herzegovina v. Serbia and Montenegro</i> ) . . . . .	235
ICJ, Judgment of 13 July 2009, <i>I.C.J. Reports</i> 2009 ( <i>Dispute regarding Navigational and Related Rights – Costa Rica v. Nicaragua</i> ) . . . . .	252

ICJ, Judgment of 30 November 2010, <i>I.C.J. Reports 2010 (Ahmadou Sadio Diallo – Republic of Guinea v. Democratic Republic of the Congo)</i> . . . . .	202
ICJ, Judgment of 20 July 2012, <i>I.C.J. Reports 2012 (Questions relating to the Obligation to Prosecute or Extradite – Belgium v. Senegal)</i> . . . . .	202, 204
ICJ, Judgment of 19 November 2012, <i>I.C.J. Reports 2012 (Territorial and Maritime Dispute – Nicaragua v. Colombia)</i> . . . . .	255

## INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

ICTY, Judgment of 10 December 1998, <i>Prosecutor v. Anto Furundžija</i> , Case No. IT-95-17/1, Trial Chamber II. . . . .	204
--	-----

## HUMAN RIGHTS COMMITTEE

HRC, General Comment No. 6, 'Article 6 (Right to life)', 30 April 1982, <i>UN Doc. HRI/GEN/1/Rev.9, Vol. I (2008)</i> . . . . .	93
HRC, General Comment No. 14, 'Article 6 (Right to life)', 1 January 1985, <i>UN Doc. HRI/GEN/1/Rev.9, Vol. I (2008)</i> . . . . .	101
HRC, General Comment No. 16, 'Article 17 (Right to privacy)', 28 September 1988, <i>UN Doc. HRI/GEN/1/Rev.9, Vol. I (2008)</i> . . . . .	94
HRC, General Comment No. 20, 'Article 7 (Prohibition of torture, or other cruel, inhuman or degrading treatment or punishment)', 30 September 1992, <i>UN Doc. HRI/GEN/1/Rev.9, Vol. I (2008)</i> . . . . .	94
HRC, General Comment No. 24, 'Issues Relating to Reservations Made upon Ratification or Accession to the Covenant or the Optional Protocols thereto, or in Relation to Declarations under Article 41 of the Covenant', 4 November 1994, <i>UN Doc. CCPR/C/21/Rev.1/Add.6 (1994)</i> . . . . .	236
HRC, General Comment No. 31, 'The Nature of the General Legal Obligation Imposed on States Parties to the Covenant', 26 May 2004, <i>UN Doc. CCPR/C/21/Rev.1/Add.13 (2004)</i> . . . . .	24, 85
HRC, Draft General Comment No. 36, Article 6: Right to life. Draft prepared by Yuval Shany and Nigel Rodley, Rapporteurs, <i>UN Doc. CCPR/C/GC/R.36</i> , 1 April 2015. . . . .	121, 125
HRC, Draft General Comment No. 36, Article 6: Right to life. Draft prepared by Yuval Shany and Nigel Rodley, Rapporteurs, <i>UN Doc. CCPR/C/GC/R.36/</i> <i>Rev.2</i> , 2 September 2015 . . . . .	94
HRC, Concluding Observations (Federal Republic of Germany), <i>UN Doc. CCPR A/33/40 (1978)</i> . . . . .	146, 186
HRC, Concluding Observations (Italy), <i>UN Doc. CCPR A/36/40 (1981)</i> . . . . .	146
HRC, Concluding Observations (Kenya), <i>UN Doc. CCPR A/36/40 (1981)</i> . . . . .	125
HRC, Concluding Observations (Mali), <i>UN Doc. CCPR A/36/40 (1981)</i> . . . . .	125
HRC, Concluding Observations (Panama), <i>UN Doc. CCPR A/46/40 (1991)</i> . . . . .	125
HRC, Concluding Observations (Brazil), <i>UN Doc. CCPR/C/79/Add.66 (1996)</i> . . . . .	123
HRC, Concluding Observations (Colombia), <i>UN Doc. CCPR A/52/40 vol. I (1997)</i> . . . . .	121
HRC, Concluding Observations (Peru), <i>UN Doc. CCPR A/52/40 vol. I (1997)</i> . . . . .	121, 135



HRC, Concluding Observations (Senegal), <i>UN Doc. CCPR/A/53/40</i> vol. I (1998) . . . . .	123
HRC, Concluding Observations (Canada), <i>UN Doc. CCPR/C/79/Add.105</i> (1999) . . . . .	123
HRC, Concluding Observations (Ireland), <i>UN Doc. CCPR/A/55/40</i> (2000) . . . . .	123
HRC, Concluding Observations (Democratic People's Republic of Korea), <i>UN Doc. CCPR/CO/72/PRK</i> (2001) . . . . .	123
HRC, Concluding Observations (Venezuela), <i>UN Doc. CCPR A/56/40</i> vol. I (2001) . . . . .	121, 135
HRC, Concluding Observations (Hungary), <i>UN Doc. CCPR A/57/40</i> vol. I (2002) . . . . .	135
HRC, Concluding Observations (Sweden), <i>UN Doc. CCPR A/57/40</i> vol. I (2002) . . . . .	135
HRC, Concluding Observations (Mali), <i>UN Doc. CCPR A/58/40</i> (2003) . . . . .	125
HRC, Concluding Observations (Russian Federation), <i>UN Doc. CCPR A/59/40</i> vol. I (2003) . . . . .	74, 121
HRC, Concluding Observations (Germany), <i>UN Doc. CCPR A/59/40</i> vol. I (2004) . . . . .	135
HRC, Concluding Observations (Namibia), <i>UN Doc. CCPR/CO/81/NAM</i> (2004) . . . . .	125
HRC, Concluding Observations (Suriname), <i>UN Doc. CCPR/A/59/40</i> vol. I (2004) . . . . .	123
HRC, Concluding Observations (Kenya), <i>UN Doc. CCPR/CO/83/KEN</i> (2005) . . . . .	125
HRC, Concluding Observations (Thailand), <i>UN Doc. CCPR/CO/84/THA</i> (2005) . . . . .	242
HRC, Concluding Observations (Yemen), <i>UN Doc. CCPR A/60/40</i> vol. I (2005) . . . . .	135
HRC, Concluding Observations (El Salvador), <i>UN Doc. CCPR/C/SLV/CO/6</i> (2010) . . . . .	125
HRC, Concluding Observations (Philippines), <i>UN Doc. CCPR/C/PHL/CO/4</i> (2012) . . . . .	125
HRC, Concluding Observations (Georgia), <i>UN Doc. CCPR C/GEO/CO/4</i> (2014) . . . . .	147
HRC, Concluding Observations (Malta), <i>UN Doc. CCPR/C/MLT/CO/2</i> (2014) . . . . .	125
HRC 29 March 1982, <i>Bleier/Uruguay</i> , no. 30/1978 . . . . .	94, 121
HRC 30 March 1989, <i>H.C.M.A./The Netherlands</i> , no. 213/1986 . . . . .	122
HRC 2 May 1989, <i>Vuolanne/Finland</i> , no. 265/1987 . . . . .	96
HRC 12 July 1990, <i>Delgado Páez/Colombia</i> , no. 195/1985 . . . . .	121
HRC 8 April 1994, <i>M.A.B., W.A.T. and J.-A.Y.T./Canada</i> , no. 570/93 . . . . .	9, 146
HRC 13 November 1995, <i>Bautista/Colombia</i> , no. 563/1993 . . . . .	94, 121
HRC 30 July 1996, <i>Bordes and Temeharo/France</i> , no. 645/1995 . . . . .	98
HRC 29 July 1997, <i>Arhuaco/Colombia</i> , no. 612/1995 . . . . .	121–122
HRC 29 July 1997, <i>José Vicenté/Colombia</i> , no. 612/199 . . . . .	122
HRC 24 October 2005, <i>Llantoy Huamán/Peru</i> , no. 1153/2003 . . . . .	125
HRC 18 October 2006, <i>Brun/France</i> , no. 1453/2006 . . . . .	98
HRC 16 August 2007, <i>Messaouda Grioua/Algerije</i> , no. 1327/2004 . . . . .	122
HRC 31 October 2007, <i>Prince/South Africa</i> , no. 1474/06 . . . . .	9, 146
HRC 22 October 2008, <i>Sayadi and Vinck/Belgium</i> , no. 1472/2006 . . . . .	119
HRC 21 October 2010, <i>Novaković/Serbia</i> , no. 1556/2007 . . . . .	94, 121, 124
HRC 28 October 2010, <i>Raihman/Latvia</i> , no. 1621/2007 . . . . .	97
HRC 29 March 2011, <i>V.D.A./Argentina</i> , no. 1608/2007 . . . . .	125
HRC 17 October 2011, <i>Peiris/Sri Lanka</i> , no. 1862/09 . . . . .	98
HRC 26 March 2012, <i>Khirani/Algeria</i> , no. 1905/2009 . . . . .	122
HRC 26 March 2012, <i>Krasovskaya and Krasovskaya/Belarus</i> , no. 1820/2008 . . . . .	94, 121

## COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

CESCR, General Comment No. 3: The Nature of States Parties' Obligations (Art. 2, Para. 1, of the Covenant), 14 December 1990, <i>UN Doc. E/1991/23</i> . . . . .	39
---	----

CESCR, General Comment No. 9: The domestic application of the Covenant, <i>UN Doc. E/C.12/1998/24</i> (1998) and <i>UN Doc. HRI/GEN/1/Rev.6</i> at 54 (2003) . . . . .	46
CESCR, Summary record of the 14th meeting (The Netherlands), <i>UN Doc. E/C.12/1998/SR.14</i> , 15 September 1998 . . . . .	35, 70
CESCR, General Comment No. 12: The Right to Adequate Food, <i>UN Doc. E/C.12/1999/5</i> , 12 May 1999 . . . . .	39
CESCR, General Comment No. 14, 'The right to the highest attainable standard of health', 11 May 2000, <i>UN Doc. E/C.12/2000/4</i> . . . . .	24, 29
CESCR, An Evaluation of the Obligation to Take Steps to the 'Maximum of Available Resources' under an Optional Protocol to the Covenant, <i>UN Doc. E/C.12/2007/1</i> , 10 May 2007 . . . . .	40, 42, 44, 46, 48, 58–59
CESCR, Summary record of the 14th meeting (The Netherlands), <i>UN Doc. E/C.12/1998/SR.14</i> (1998) . . . . .	35, 70
CESCR, Concluding Observations (Ecuador), <i>UN Doc. E/2005/22</i> (2004). . . . .	69
CESCR, Concluding Observations (Serbia and Montenegro), <i>UN Doc. E/2006/22</i> (2005) . . . . .	69
CESCR, Concluding Observations (Tajikistan), <i>UN Doc. E/2007/22</i> (2006) . . . . .	74
CESCR, Concluding Observations (Brazil), <i>UN Doc. E/C.12/BRA/CO/2</i> (2009) . . . . .	72–73
CESCR, Concluding Observations (Poland), <i>UN Doc. E/C.12/POL/CO/05</i> (2009) . . . . .	71, 74
CESCR, Concluding Observations (Afghanistan), <i>UN Doc. E/C.12/AFG/CO/2-4</i> (2010). . . . .	72
CESCR, Concluding Observations (Mauritius), <i>UN Doc. E/C.12/MUS/CO/4</i> (2010). . . . .	72, 74
CESCR, Concluding Observations (Russian Federation), <i>UN Doc. E/C.12/RUS/CO/5</i> (2011). . . . .	74
CESCR, Concluding Observations (Slovakia), <i>UN Doc. E/C.12/SVK/CO/2</i> (2012) . . . . .	73
CESCR, Concluding Observations (Finland), <i>UN Doc. E/C.12/FIN/CO/6</i> (2014) . . . . .	71–72
CESCR, Concluding Observations (Ukraine), <i>UN Doc. E/C.12/UKR/CO/6</i> (2014) . . . . .	74
CESCR, Concluding Observations (Uzbekistan), <i>UN Doc. E/C.12/UZB/CO/2</i> (2014). . . . .	71, 73

## COMMITTEE ON THE RIGHTS OF THE CHILD

Committee on the Rights of the Child, General Comment No. 15 on the right of the child to the enjoyment of the highest attainable standard of health (Art. 24), 17 April 2013, <i>UN Doc. CRC/C/GC/15</i> . . . . .	71
---	----

## EUROPEAN COURT OF HUMAN RIGHTS

ECtHR 23 July 1968, <i>Case 'Relating to Certain Aspects of the Laws on the Use of Languages in Education in Belgium'/Belgium</i> , no. 1474/62. . . . .	112
ECtHR 7 December 1976, <i>Handyside/The UK</i> , no. 5493/72. . . . .	112, 114
ECtHR 25 April 1978, <i>Tyrer/The UK</i> , no. 5856/72. . . . .	103
ECtHR 23 March 1985, <i>Loizidou/Turkey</i> , no. 15318/89 . . . . .	236
ECtHR 26 March 1985, <i>X and Y/The Netherlands</i> , no. 8978/80 . . . . .	24
ECtHR 28 May 1985, <i>Abdulaziz, Cabales and Balkandali/The UK</i> , no. 9214/80. . . . .	116

ECtHR 26 October 1988, <i>Martins Moreira/Portugal</i> , no. 11371/85	85
ECtHR 7 August 1996, <i>C./Belgium</i> , no. 21794/93	148
ECtHR (GK) 19 February 1998, <i>Guerra/Italy</i> , no. 14967/89	95, 99, 131
ECtHR 9 June 1998, <i>L.C.B./The UK</i> , no. 23413/94	93, 95, 126, 131
ECtHR 23 September 1998, <i>A./The UK</i> , no. 25599/94	96
ECtHR (GK) 28 October 1998, <i>Osman/The UK</i> , no. 23452/94	93, 95, 110, 126, 127, 142–143
ECtHR 30 November 1999, <i>Baghli/France</i> , no. 34374/97	148
ECtHR 25 January 2000, <i>Ignaccolo-Zenide/Romania</i> , no. 31679/96	99
ECtHR 28 March 2000, <i>Mahmut Kaya/Turkey</i> , no. 22535/93	136
ECtHR 10 October 2000, <i>Akkoç/Turkey</i> , no. 22947/93	129
ECtHR 5 December 2000, <i>Marlow/The UK</i> , no. 42015/98	9, 147
ECtHR 13 February 2001, <i>Ezzouhdi/France</i> , no. 47160/99	148
ECtHR (GK) 21 November 2001, <i>Al-Adsani/The UK</i> , no. 35763/97	204–205, 251
ECtHR 29 April 2002, <i>Pretty/The UK</i> , no. 2346/02	94, 110
ECtHR 8 October 2002, <i>Benedek/Slovakia</i> , no. 46115/99	99
ECtHR 29 April 2003, <i>McGlinchey/The UK</i> , no. 50390/99	149
ECtHR 6 May 2003, <i>Appleby/The UK</i> , no. 44306/98	110
ECtHR 26 August 2003, <i>Pereira Henrique/Luxembourg</i> , no. 60255/00	128
ECtHR 4 December 2003, <i>M.C./Bulgaria</i> , no. 39272/98	96, 99, 133, 136, 139, 141–142
ECtHR (GK) 8 April 2004, <i>Assanidze/Georgia</i> , no. 71503/01	108
ECtHR 16 November 2004, <i>Moreno Gomez/Spain</i> , no. 4143/02	143
ECtHR (GK) 30 November 2004, <i>Öneryildiz/Turkey</i> , no. 48939/99	93, 95, 102, 116, 127–130
ECtHR 2 December 2004, <i>Botti/Italy</i> , no. 77360/01	149
ECtHR (GK) 30 June 2005, <i>Bosphorus Hava Yollari Turizm ve Ticaret Anonim Sirketi/Ireland</i> , no. 45036/98	252, 266
ECtHR 12 July 2005, <i>Moldovan e.a./Romania (2)</i> , no. 41138/98	99
ECtHR 12 January 2006, <i>Mihailova/Bulgaria</i> , no. 35978/02	99
ECtHR 9 May 2006, <i>Pereira Henriques/Luxembourg</i> , no. 60255/00	93, 128
ECtHR 2 November 2006, <i>Giacomelli/Italy</i> , no. 59909/00	118
ECtHR 4 January 2007, <i>Szual/The UK</i> , no. 18727/06	96, 142
ECtHR 30 January 2007, <i>Yumak and Sadak/Turkey</i> , no. 10226/03	114
ECtHR 15 November 2007, <i>Pfeifer/Austria</i> , no. 12556/03	99
ECtHR 27 November 2007, <i>Rajkowska/Poland</i> , no. 37393/02	128
ECtHR (GK) 10 December 2007, <i>Stoll/Zwitserland</i> , no. 69698/01	102
ECtHR 4 January 2008, <i>Shelley/The UK</i> , no. 23800/06	95, 97, 99, 114, 117, 130, 150
ECtHR 16 January 2008, <i>Leray, Guilcher, Ameon, Margue et Mad/ La France</i> , no. 44617/98	128
ECtHR 17 January 2008, <i>Dodov/Bulgaria</i> , no. 59548/00	128, 131
ECtHR (GK) 12 February 2008, <i>Kafkaris/Cyprus</i> , no. 21906/04	115
ECtHR 20 March 2008, <i>Budayeva/Russia</i> , no. 15339/02	128
ECtHR 2 December 2008, <i>Furdik/Slovakia</i> , no. 42994/05	128
ECtHR (GK) 4 December 2008, <i>S. and Marper/The UK</i> , no. 30562/04 and 30566/04	99
ECtHR 9 June 2009, <i>Opuz/Turkey</i> , no. 33401/02	19, 95–96, 127–128, 130
ECtHR 15 September 2009, <i>E.S./Slovakia</i> , no. 8227/04	99, 142
ECtHR 1 December 2009, <i>G.N./Italie</i> , no. 43134/05	95, 131

ECtHR 7 January 2010, <i>Rantsev/Cyprus and Russia</i> , no. 25965/04 . . . . .	118
ECtHR 12 January 2010, <i>Khan A.W./The UK</i> , no. 47486/06 . . . . .	148
ECtHR 2 March 2010, <i>Al-Saadoon and Mufdhi/The UK</i> , no. 61498/08 . . . . .	238
ECtHR 9 March 2010, <i>R.C./Sweden</i> , no. 41827/07 . . . . .	114
ECtHR (GK) 29 March 2010, <i>Medvedyev/France</i> , no. 3394/03 . . . . .	148
ECtHR 27 May 2010, <i>Artyomov/Russia</i> , no. 14146/02 . . . . .	149
ECtHR 23 November 2010, <i>P.F. and E.F./The UK</i> , no. 28326/09 . . . . .	143
ECtHR 25 November 2010, <i>Mileva And Others/Bulgaria</i> , no. 43449/02 . . . . .	99
ECtHR 31 May 2011, <i>Khodorkovskiy/Russia</i> , no. 5829/04 . . . . .	111
ECtHR 16 June 2011, <i>Ciechońska/Poland</i> , no. 19776/04 . . . . .	95, 128
ECtHR (GK) 7 July 2011, <i>Al Jedda/The UK</i> , no. 27021/08 . . . . .	220, 239
ECtHR (GK) 7 July 2011, <i>Al-Skeini/The UK</i> , no. 55721/07 . . . . .	102
ECtHR 26 July 2011, <i>Georgel and Georgeta Stoicescu/Romania</i> , no. 9718/03 . . . . .	99, 116, 141, 143
ECtHR 20 September 2011, <i>Oao Neftyanaya Kompaniya Yukos/Russia</i> , no. 14902/04 . . . . .	111
ECtHR 25 October 2011, <i>Valkov/Bulgaria</i> , no. 2033/04 . . . . .	106
ECtHR 22 November 2011, <i>Zammit Maempel/Malta</i> , no. 24202/10 . . . . .	99
ECtHR (GK) 15 March 2012, <i>Austin/The UK</i> , no. 39692/09 . . . . .	103
ECtHR (GK) 22 March 2012, <i>Konstantin Markin/Russia</i> , no. 30078/06 . . . . .	106
ECtHR (GK) 3 April 2012, <i>Kotov/Russia</i> , no. 54522/00 . . . . .	116, 117
ECtHR (GK) 13 July 2012, <i>Mouvement Raëlien Suisse/Switzerland</i> , no. 16354/06 . . . . .	110
ECtHR 24 July 2012, <i>Đorđević/Croatia</i> , no. 41526/10 . . . . .	142
ECtHR (GK) 12 September 2012, <i>Nada/Switzerland</i> , no. 10593/08 . . . . .	119, 218, 220, 238–239, 251
ECtHR 13 November 2012, <i>Hristozov/Bulgaria</i> , no. 47039/11 . . . . .	117
ECtHR (GK) 7 February 2013, <i>Fabris/France</i> , no. 16574/08 . . . . .	19
ECtHR (GK) 22 April 2013, <i>Animal Defenders International/The UK</i> , no. 48876/08 . . . . .	114
ECtHR 17 September 2013, <i>De Bruin/The Netherlands</i> , no. 9765/09 . . . . .	10, 148–149
ECtHR (GK) 20 October 2013, <i>Anowiec/Russia</i> , no. 55508/07 . . . . .	111
ECtHR (GK) 12 November 2013, <i>Söderman/Sweden</i> , no. 5786/08 . . . . .	117
ECtHR 26 November 2013, <i>Al-Dulimi and Montana Management Inc./</i> <i>Switzerland</i> , no. 5809/08 . . . . .	239
ECtHR (GK) 26 November 2013, <i>X/Latvia</i> , no. 27853/09 . . . . .	114
ECtHR 3 March 2014, <i>Amadayev/Russia</i> , no. 18114/06 . . . . .	136–137
ECtHR (GK) 16 June 2014, <i>Hämäläinen/Finland</i> , no. 37359/09 . . . . .	117
ECtHR 26 June 2014, <i>Gablishvili/Russia</i> , no. 39428/12 . . . . .	148
ECtHR 24 July 2014, <i>Brincat/Malta</i> , no. 60908/11 . . . . .	95, 116–117, 128, 131
ECtHR (GK) 16 September 2014, <i>Hassan/The UK</i> , no. 29750/09 . . . . .	251
ECtHR (GK) 17 September 2014, <i>Mocanu/Romania</i> , no. 10865/09 . . . . .	102, 110
ECtHR (GK) 20 November 2014, <i>Jaloud/The Netherlands</i> , no. 47708/08 . . . . .	111
ECtHR 26 February 2015, <i>Prilutskiy/Ukraine</i> , no. 40429/08 . . . . .	128–130, 150
ECtHR (GK) 5 June 2015, <i>Lambert/France</i> , no. 46043/14 . . . . .	116
ECtHR (GK) 16 June 2015, <i>Sargsyan/Azerbaijan</i> , no. 40167/06 . . . . .	108, 110
ECtHR 16 June 2015, <i>Vasil Hristov/Bulgaria</i> , no. 81260/12 . . . . .	96, 136
ECtHR 23 June 2015, <i>Selahattin Demirtaş/Turkey</i> , no. 15028/09 . . . . .	128
ECtHR (GK) 27 August 2015, <i>Parrillo/Italy</i> , no. 46470/11 . . . . .	110, 115
ECtHR 15 September 2015, <i>Lari/The Republic of Moldova</i> , no. 37847/13 . . . . .	95, 126–127

ECtHR (GK) 28 September 2015, <i>Bouyid/Belgium</i> , no. 23380/09 . . . . .	96
ECtHR (GK) 15 October 2015, <i>Perinçek/Switzerland</i> , no. 27510/08 . . . . .	114, 239
ECtHR 3 November 2015, <i>Olszewscy/Poland</i> , no. 99/12 . . . . .	110, 127
ECtHR (GK) 10 November 2015, <i>Couderc and Hachette Filipacchi Associés/France</i> , no. 40454/07 . . . . .	114–115
ECtHR 8 December 2015, <i>Z.H. and R.H./Switzerland</i> , no. 60119/12 . . . . .	114
ECtHR 2 February 2016, <i>Cavit Tinarlıoğlu/Turquie</i> , no. 3648/04 . . . . .	95, 128, 130–131

## EUROPEAN COMMISSION OF HUMAN RIGHTS

EcommHR 9 April 1997, <i>Barrett/The UK</i> , no. 30402/96 . . . . .	149
EcommHR 25 May 1997, <i>Larmela/Finland</i> , no. 26712/95 . . . . .	147
EcommHR 16 April 1998, <i>Wöckel/Germany</i> , no. 32165/96 . . . . .	149

## COURT OF JUSTICE OF THE EUROPEAN UNION

CJEU 4 October 1994, <i>European Court Reports</i> , C324/92, ECLI:EU:C:1994:357 . . . . .	244
CJEU 29 March 2012, <i>Staatssecretaris van Justitie Nederland/Kahveci en Inan</i> , zaken, C-7/10 and C-9/10, ECLI:EU:C:2012:180 . . . . .	13

## EUROPEAN COMMITTEE OF SOCIAL RIGHTS

ECSR, Addendum to Conclusions XV-2 (2001) on the European Social Charter (Cyprus) . . . . .	76
ECSR, Conclusions XV-2 (2001) on the European Social Charter (Greece) . . . . .	76
ECSR, Conclusions 2005 on the European Social Charter (Cyprus) . . . . .	77
ECSR, Conclusions XVII-2 (2005) on the European Social Charter (Malta) . . . . .	75–76
ECSR, Conclusions 2009 on the European Social Charter (Cyprus) . . . . .	75
ECSR, Conclusions XIX-2 (2009) on the European Social Charter (Hungary) . . . . .	75–76
ECSR, Conclusions 2013 on the European Social Charter (Andorra) . . . . .	76–77
ECSR, Conclusions 2013 on the European Social Charter (Belgium) . . . . .	77
ECSR, Conclusions 2013 on the European Social Charter (Cyprus) . . . . .	75, 115, 118
ECSR, Conclusions 2013 on the European Social Charter (Montenegro) . . . . .	54, 64
ECSR, Conclusions 2013 on the European Social Charter (The Netherlands) . . . . .	33, 35, 70, 75
ECSR, Conclusions 2013 on the European Social Charter (Sweden) . . . . .	35, 70
ECSR, Conclusions 2014 on the European Social Charter (Armenia) . . . . .	67
ECSR, Conclusions XX-3 (2014) on the European Social Charter (Denmark) . . . . .	52
ECSR, Conclusions 2014 on the European Social Charter (Georgia) . . . . .	37, 67
ECSR 4 November 2003, <i>Autism Europe/France</i> , no. 13/2002 . . . . .	42, 47, 59–60, 67
ECSR 3 November 2004, <i>International Federation of Human Rights Leagues (FIDH)/France</i> , no. 14/2003 . . . . .	30, 49
ECSR 18 October 2006, <i>European Roma Rights Centre (ERRC)/Bulgaria</i> , no. 31/2005 . . . . .	47, 60

ECSR 6 December 2006, <i>Marangopoulos Foundation for Human Rights (MFHR)/Greece</i> , no. 30/2005 . . . . .	37, 47, 67
ECSR 26 June 2007, <i>Mental Disability Advocacy Center (MDAC)/Bulgaria</i> , no. 41/2007 . . . . .	49
ECSR 5 December 2007, <i>International Movement ATD Fourth world/France</i> , no. 33/2006 . . . . .	42, 43
ECSR 23 May 2012, <i>Confederation of Greek Civil Servants Trade Unions (ADEDY)/Greece</i> , no. 66/2011 . . . . .	60
ECSR 11 September 2012, <i>Médecins du Monde – International/France</i> , no. 67/2011 . . . . .	54, 60
ECSR 23 January 2013, <i>International Federation of Human Rights Leagues (FIDH)/Greece</i> , no. 72/2011 . . . . .	34, 49, 64
ECSR 18 March 2013, <i>International Federation of Human Rights (FIDH)/Belgium</i> , no. 75/2011 . . . . .	52
ECSR 2 July 2014, <i>European Federation of National Organisations working with the Homeless (FEANTSA)/The Netherlands</i> , no. 86/2012. . . . .	37
ECSR 9 September 2015, <i>Matica Unione Italiana del Lavoro U.I.L. Scuola – Sicilia/Italy</i> , no.113/2014 . . . . .	37

## INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

Inter-American Commission on Human Rights: I-ACionHR 16 October 1996, <i>Victims of the Tugboat ‘13 de Marzo’/Cuba</i> , case 11.436, report 47/96 . . . . .	203
--	-----

## ARBITRAL TRIBUNAL

The Arbitral Tribunal, Decision of 24 May 2005, Reports of International Arbitral Awards, vol. XXVII ( <i>Award in the Arbitration regarding the Iron Rhine (‘IJzeren Rijn’) Railway between the Kingdom of Belgium and the Kingdom of the Netherlands</i> ) . . . . .	251
--	-----

## LIST OF ABBREVIATIONS

CESCR	Committee on Economic, Social and Cultural Rights
CJEU	Court of Justice of the European Union
CND	Commission on Narcotic Drugs
CSC	Cannabis Social Clubs
ECommHR	European Commission of Human Rights
ECOSOC	Economic and Social Council
ESC	European Social Charter
ECSR	European Committee of Social Rights
ECtHR	European Court of Human Rights
EU	European Union
ECHR	European Convention on Human Rights
GA	General Assembly
GC	Grand Chamber
I-ACionHR	Inter-American Commission on Human Rights
I-ACtHR	Inter-American Court of Human Rights
ICJ	International Court of Justice
ICTY	International Criminal Tribunal for the former Yugoslavia
ILC	International Law Commission
INCB	International Narcotics Control Board
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
HRC	Human Rights Committee
OJ	Official Journal (of EU)
CoE	Council of Europa
SC	Security Council
Trb.	Tractatenblad
UN	United Nations
UNODC	United Nations Office on Drugs and Crime
UDHR	Universal Declaration of Human Rights
UN	United Nations
WHO	World Health Organization
WTO	World Trade Organization

