

# Die Friedens-Warte

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Mit Beiträgen von

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## Geleitwort der Herausgeber

Wir freuen uns, mit dieser Ausgabe die erste Hälfte des 93. Jahrgangs unserer Zeitschrift präsentieren zu können. Nach einem kraftvollen Neustart im vergangenen Jahr ist „Die Friedens-Warte: Journal of International Peace and Organization“ wieder in guter Form, wie die in dieser Ausgabe versammelten Beiträge hoffentlich beweisen werden. 1899 von Alfred H. Fried (Friedensnobelpreis 1911) gegründet und später von den pazifistischen Völkerrechtlern Walther Schücking und – fast 40 Jahre lang – Hans Wehberg herausgegeben, hat sie sich in den letzten 25 Jahren zu einem führenden deutschen Forum der Friedensforschung entwickelt, das die Disziplinen Rechtswissenschaft und Sozial-/Politikwissenschaft miteinander verbindet.

Diese Entwicklung ist vor allem darauf zurückzuführen, dass Knut Ipsen, Volker Rittberger und Christian Tomuschat 1996 gemeinsam die Herausgeberschaft der Zeitschrift übernommen haben, um ihr ein klares wissenschaftliches Profil und ein modernes, doppelblindes Peer-Review-Verfahren zu geben. Während sich Knut Ipsen im Jahre 2007 aus der Redaktion zurückzog und Volker Rittberger 2011 viel zu früh verstarb, ist Christian Tomuschat der Zeitschrift als Mitherausgeber bis heute verbunden geblieben. Er hat sich entschieden, zugleich mit dieser Ausgabe die Herausgeberschaft niederzulegen. Wir freuen uns aber, dass er sich bereit erklärt hat, in den Beirat der Zeitschrift einzutreten – und diese Ausgabe mit einem eigenen Beitrag „Adaption of Human Rights to Cultural Specificities?“ zu eröffnen. Wir werden seine Leistungen als Herausgeber dieser Zeitschrift in der nächsten Ausgabe würdigen, die den Hauptthemen der Arbeit von Christian Tomuschat als Völkerrechtswissenschaftler gewidmet sein wird.

Wenn der Leser in diesem Heft den Namen von Pierre Thielbörger an prominenter Stelle findet, so ist dies kein Zufall. Wir freuen uns, dass er ab dieser Ausgabe als Mitherausgeber der „Friedens-Warte“ eintritt. Pierre Thielbörger ist Professor für Öffentliches Recht und Völkerrecht an der Ruhr-Universität Bochum und Geschäftsführender Direktor des von niemand anderem als Knut Ipsen 1988 in Bochum gegründeten Instituts für Friedenssicherungsrecht und Humanitäres Völkerrecht (IFHV). Neben diesen Bereichen liegt Pierre Thielbörgers Forschungsschwerpunkt im Bereich der Menschenrechte. Es schien uns daher passend, dass er sich als neuer Mitherausgeber mit einem von ihm kuratierten Heft zum internationalen Menschenrechtsschutz vorstellt, zumal dies auch ein Thema ist, das Christian Tomuschat seit jeher besonders am Herzen liegt.

Ein herzliches Willkommen an Pierre Thielbörger – und auch an Christian Tomuschat in seiner neuen Funktion!

Kiel und Hamburg, im Juni 2020,

Andreas von Arnould und Michael Staack

## A Note from the Editors

We are happy to present with this issue the first half of what will be our journal's 93<sup>rd</sup> volume. After a vigorous restart last year, "Die Friedens-Warte: Journal of International Peace and Organization" is going strong again, as the papers assembled in this issue hopefully will prove. Founded in 1899 by Alfred H. Fried (Nobel Prize for Peace in 1911), and later edited by pacifist international law scholars Walther Schücking and – for almost 40 years – Hans Wehberg, in the last 25 years it has become a leading German forum for peace research linking the disciplines of law and social/political science.

This development was largely due to Knut Ipsen, Volker Rittberger, and Christian Tomuschat taking over the joint editorship of the journal in 1996, giving it a clear academic profile, together with a modern-standard double-blind peer review procedure. While Knut Ipsen withdrew from the editorial board in 2007, and Volker Rittberger having passed away all too early in 2011, Christian Tomuschat has continued to serve as co-editor of this journal. With this volume, he decided to step down as an editor. We are happy, though, that he agreed to join the journal's advisory board – and to open this issue with an own contribution, "Adaption of Human Rights to Cultural Specificities?". We will pay tribute to his achievements as editor of this journal in the next issue which will be devoted to the main topics of Christian Tomuschat's work as a scholar of international law.

If in this issue the reader will find the name of Pierre Thielbörger prominently placed, this is not a coincidence. We are pleased to announce that, starting with this issue, he will be joining the editorial board of "Die Friedens-Warte: Journal of International Peace and Organization". Pierre Thielbörger is Professor of Public Law and International Law at Ruhr University Bochum and Executive Director of the Institute founded by none else but Knut Ipsen in Bochum in 1988, the Institute for International Law of Peace and Armed Conflict. Apart from these areas of law Pierre Thielbörger's research focuses on human rights law. It therefore seemed fitting that he should present himself as new co-editor with an issue curated by him on human rights, especially since this is also a topic that has always been especially close to Christian Tomuschat.

A warm welcome to Pierre Thielbörger – and also to Christian Tomuschat in his new position!

Kiel and Hamburg, in June 2020,

Andreas von Arnould und Michael Staack

## Editorial

This special issue deals with regional human rights systems. It is composed of contributions that were submitted to the “Journal of International Peace and Organization” (Die Friedens-Warte) following an open call for papers and of articles that were initially presented at the conference “Regional Human Rights Systems from a Comparative Perspective”, held at the European University Institute in Florence on the 12<sup>th</sup> and 13<sup>th</sup> of December 2019. Both forms of submissions went through the same rigorous peer-review. We would like to explicitly thank the supporters of said conference and this special issue, in particular the European University Institute’s (EUI) Law Department, the European Society of International Law (ESIL), the German Ministry of Education (BMBF) as well as the Arab German Academy of Sciences and Humanities (AGYA).

Now, what is the current state of the art of regional human rights systems and why is it worth to reflect on them?

In July 2018, on the occasion of the 40<sup>th</sup> anniversary of the creation of the Inter-American Court of Human Rights, the Presidents of the African Court on Human and Peoples’ Rights, the European Court of Human Rights and the Inter-American Court of Human Rights released a joint statement in which they reminded us of the “exceptional opportunity to strengthen the dialogue, cooperation and institutional ties between the three human rights courts of the world”.<sup>1</sup> They decided to establish a Permanent Forum of Institutional Dialogue between the three regional human rights courts, which, inter alia, aims to “overcome the common challenges and threats to the effective validity of human rights by working together”.<sup>2</sup> On the 28<sup>th</sup> and 29<sup>th</sup> of October 2019, the first of these international human rights fora took place in Kampala, Uganda,<sup>3</sup> in which the courts decided on further steps of cooperation and exchange of experiences to strengthen the “existing cordial relationship that allows for institutional and jurisprudential dialogue, the sharing of information and best practices for their common benefit.”<sup>4</sup> The next forum is now planned for 2021 in Strasbourg if COVID-19 allows. Why do regional human rights courts strive for stronger cooperation and why do they do so now?

In the current global political climate, multilateralism, human rights law and global institutions experience a difficult time. One needs to look no further than to the UN itself: the acceptance of the UN Human Rights Council is dramatically crumbling,<sup>5</sup> and the UN Security Council has fallen into a state of deadlock almost like in old cold war times, at least in relation to issues such as the civil war in Syria,<sup>6</sup> the ongoing tensions in the Middle East or

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1 Presidents of the African Court on Human and Peoples’ Rights, the European Court of Human Rights and the Inter-American Court of Human Rights, Declaration of San José 2018.

2 *Id.*, p. 1.

3 African Court on Human and Peoples’ Rights/European Court of Human Rights/Inter-American Court of Human Rights, Kampala Declaration 2019.

4 *Id.*, p. 1.

5 For instance: Harris 2018.

6 White 2019, p. 55; Mahapatra, p. 43; Siboe 2019.

those between Russia and Ukraine.<sup>7</sup> But that current crisis does not affect the UN alone, it is one that appears to affect almost all global international organisations. The international criminal tribunals, including the International Criminal Court, are being openly undermined by states,<sup>8</sup> and the World Trade Organization Dispute Settlement System has become entirely dysfunctional following the US' decision not to nominate new arbitrators.<sup>9</sup> If one adds the continuing political failure of global climate efforts to this list,<sup>10</sup> the state of international law and multilateralism appears to be rather depressing.

This situation has become even more difficult as a consequence of the global pandemic, for several reasons. Global organisations like the World Health Organization (WHO) have been criticised for their handling of the pandemic, and funding has been withdrawn by some of its most important contributors.<sup>11</sup> The UN Security Council has been harshly criticised for failing to agree on a COVID-19 resolution,<sup>12</sup> although it is, of course, the states who cannot agree on a joint text. Borders, even within established areas without internal borders such as the Schengen Area, have been closed, most parts of public life have been frozen and human rights have been restricted and in some cases expressly derogated from.<sup>13</sup> Although we are experiencing a truly global problem, the solution of states appears to be to withdraw, not to coordinate, internationally. “Nationalisation”, not “globalisation”, appears to be the trend of the moment. The lack of solidarity amongst states has recently even lead the President of the Commission, Ursula von der Leyen, to apologise to Italy, in the name of the EU,<sup>14</sup> while the new franco-allemande initiative by Angela Merkel and Emmanuel Macron appears to have sparked new hope within the EU.<sup>15</sup>

Again and again, high hopes and expectations are placed in global organisations, and, perhaps unsurprisingly, these organisations frequently fall short of these expectations. Is the only hope then to go back to and rely on the national states?

The contributions contained in this Special Issue and the discussions during the Florence conference, however, tend to confirm that Star Wars' Master Yoda was right when he (in a very different context) wisely said: “there is another ...”.

Between these two extremes – “nationalisation” and “globalisation” – there is also a middle ground: “regionalisation”. This is true for trade, it is true for security – and it is particularly true in the field of human rights protection. We have well-established human rights systems with established and respected judicial and quasi-judicial enforcement mechanisms

7 See for instance: Von Einsiedel/Malone/Stagno Ugarte 2015.

8 See for instance: Niv 2018; DeYoung/Morello 2020; Jakes/Crowley 2020.

9 Seals 2019, p. 199; Hoekman/Mavroidis 2019.

10 See for instance: UN Human Rights Council, Climate Change and Poverty: Report of the Special Rapporteur on Extreme Poverty and Human Rights, UN-Doc. A/HRC/41/39, 17.07.2019; Harris 2007, p. 195; Pielke Jr., p. 30.

11 For instance: Shear/McNeil Jr. 2020; Burci 2020.

12 Rubner 2020; Gasbarri 2020.

13 In March and April 2020, in the context of the COVID-19 health crisis, Latvia, Romania, Armenia, the Republic of Moldova, Estonia, Georgia, Albania, North Macedonia, Serbia and San Marino notified the Secretary General of the Council of Europe of their decision to derogate from certain rights protected under the European Convention on Human Rights: see the European Court of Human Rights 2020. In the same context, Argentina, Bolivia, Chile, Colombia, Ecuador, El Salvador, Guatemala, Honduras, Panama and Peru have derogated from the American Convention on Human Rights and Armenia, Ecuador, Estonia, Guatemala, Latvia and Romania notified the UN about derogating from the ICCPR, see Scheinin 2020.

14 European Commission 2020.

15 Hoffmann *et al.* 2020.

in Europe, Africa and the Americas, and we are witnessing an emerging system in the Arab world. However, in order for them to avoid the fragmentation of human rights law, but rather to foster integration, these systems cannot exist in isolation. If understood in this way, regional human rights systems can cooperatively contribute to the consolidation of international (human rights) law at a time which is certainly not an easy time for human rights. Exploring the different regional human rights systems, putting them in context to one another and looking for best practices and possible mutual lessons to be learned, while remaining mindful of the different legal, political and cultural conditions they are operating in, should facilitate, as we would put it, international law's "consolidation through regionalisation".

In this first issue of the 93<sup>rd</sup> volume (1–2/2020) of the *Journal of International Peace and Organization*, nine articles shed light on the regional human rights systems, approaching the topic from various angles and choosing different focuses. We were particularly mindful that in the selection of the many submitted manuscripts we wanted to maintain a gender balance of authors (with women contributing the clear majority of contributions in this special issue now), but also to avoid the Euro-centric focus that contributions on regional human rights systems often tend to display.

**Christian Tomuschat** (Humboldt-University Berlin and former member of the International Law Commission) discusses regional influences on the UN based international system of human rights protection in his contribution "Adaption of Human Rights to Cultural Specificities?". He focusses on approaches to supplement interpretations of the International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR) with interpretations stemming from regional human rights treaties. Although uniform criteria for a free and democratic society have developed worldwide, old traditions still dominate some areas of social life, which are not always exercised in conformity with human rights, Tomuschat argues. These must be counteracted by measures that Tomuschat specifies in more detail in the article.

In her article "Universality of Human Rights in the Human Rights System of the League of Arab States" **Mervat Rishmawi** (independent Human Rights Advisor) examines the (often overlooked) human rights standards within the system of the League of Arab States, especially against the background of the Arab Charta of Human Rights. She identifies shortcomings in the system and discusses a possible role for the Arab Human Rights Committee in promoting the universality of human rights in the Arab world.

In "New Human Rights in Regional Human Rights Institutions" **Andreas von Arnould** (Walther Schücking Institute for International Law and co-editor of the *Journal on International Peace and Organization*) offers preliminary conclusions on mediating between evolution and revolution of (new) human rights by regional human rights institutions. Based on three in-depth case studies, he analyses the dynamics between the expansive interpretation by human rights institutions and the invocation of new human rights by these bodies.

**Alice Ollino** (University of Milan-Bicocca and recent awardee of the European Society of International Law's Young Scholar Award) examines in her piece "Reflections on the Advisory Opinion on Human Rights and the Environment and the Notion of Extraterritorial Jurisdiction" a new jurisdictional model of extraterritorial jurisdiction. She inspects in particular the gradual expansion of positive obligations of states to protect human rights based on the by now (in)famous advisory opinion by the Inter-American Court of Human Rights on human rights and the environment from 2017.

In “Regionalizing Business and Human Rights: Corporate Accountability in the European, African and Inter-American Human Rights Systems” **Michael Riegner** (Humboldt-University Berlin) comparatively addresses the question of how regional human rights systems react to the problem of corporate responsibility and to initiatives on business and human rights. Against the backdrop of its own explanatory approach, the article argues for a context-sensitive, functional approach to human rights obligations for corporations.

Shifting the focus even more to the African continent, **Balingene Kahombo** (University of Goma / Centre for Research and Studies on the Rule of Law in Africa) elaborates in his article “Regionalism and International Humanitarian Law in Africa: Progress and Challenges” on the regionalisation of international humanitarian law on the African continent. He particularly points the readers to the progress achieved and the challenges such regionalisation still faces.

In “Guatemala, the Question of Amnesties, and the Inter-American Human Rights System: Implications for the Fight against Impunity” **Theresa Reinold** (University of Duisburg-Essen) focuses on the issue of the introduction of the Guatemalan Amnesty Bill 5377 and the role of the Inter-American Human Rights System in combating the most serious human rights violations.

Using six Colombian judgments recognising rights of rivers and ecosystems, **Marjorie Andrea González Ramírez** (Ruhr University Bochum) discusses in “The Judicial Recognition of Nature as a Subject of Rights: An Answer to Tackle Environmental Problems in Colombia and to Broaden the Community that is Granted Justice” a new approach to give nature the position of a legal subject in human rights law. In this context, she makes the concept of environmental justice the centre of her analysis.

**Hanna Siebenrock** (University of Innsbruck) assesses in her contribution entitled “The Enforceability of the Arab Charter for Human Rights: Illusion or Reality?” the effectiveness of the enforcement mechanism of the Arab Charter of Human Rights of 2004. She makes concrete comparative legal references to other human rights mechanisms at the international and regional level and suggests mutual lessons to be learned.

Focusing on the general scope of the Journal of International Peace and Organization outside of the Special Issue, the final contribution “The Relationship between Human Rights Law and International Humanitarian Law Using the Example of Targeted Killings”, authored by **Annika Schledorn** (Heidelberg University) sheds light on the legal admissibility of targeted killings. It looks at the question both from the perspectives of international humanitarian law as well as human rights law.

The issue closes with three conference reports. **Mareike Meis, Özgen Özdemir, Sonja Susann Schäfer** and **Alina Wolski** (Ruhr University Bochum) report on the academic panel discussion “Press Freedom in Crises in Europe and the Arab World?” that took place on the 27<sup>th</sup> of November 2019 in Berlin, as a joint project lead by Pierre Thielbörger between Ruhr University Bochum and the Hertie School. The discussion with guests Hatice Cengiz (writer and fiancée of killed journalist Jamal Khashoggi), Katja Gloger (German spokesperson of Journalists without Borders), Lina Al-Hathloul (sister of imprisoned activist for women’s rights, Loujain Al-Hathloul), Matthew Caruana Galizia (journalist and son of killed Maltese anti-corruption journalist Daphne Caruana Galicia) and Frank Pläßberg (German TV host) focused on the threat to freedom of expression and freedom of the press in different coun-

tries and on – often inadequate – national and international responses to politically motivated murder and imprisonment of journalists and activists.

**Sonja Nietz** (Helmut-Schmidt-University, HSU) offers insights into the workshop “Germany’s West Africa Policy: New Approaches, Perceptions and Expectations from the Region” held in Dakar, Senegal from 11<sup>th</sup> to 13<sup>th</sup> of February 2020. Under the leading research question, “to what extent do German and African expectations concerning the development of the West African region coincide, to what extent and in which aspects do they diverge, and what conclusions can be drawn from this in order to improve cooperation for development and security in the future?”, the workshop contained four panels with contributions from leading scholars, political analysts and practitioners from West Africa as well as from Europe. Michael Staack (HSU) and Heinz-Gerhard Justenhoven (Institute for Theology and Peace) coordinated the workshop on the German side. Regional cooperation partners included Djénéba Traoré of the West Africa Institute in Cabo Verde and Oumar Ndongo of the Centre d’Etudes Diplomatiques et Stratégiques in Senegal.

The final conference report by **Stephan Koloß** and **Judit Beke-Martos** (Ruhr University Bochum) details the three-part webinar “The Covid-19 Crisis from a German, European and International Perspective” jointly organised by the IFHV’s Pierre Thielbörger and Verfassungsblog’s Max Steinbeis. Guests included many international recognised experts, including, amongst many others, Philip Alston (NYU and former UN Special Rapporteur), Kim Lane Scheppele (Princeton University), Christos Stylianides (former EU Commissioner for Crisis Management and Visiting Professor at Ruhr University Bochum), Mark Dawson (Hertie School), Christoph Möllers (HU Berlin und Wissenschaftskolleg Berlin), Nico Krisch and Gian Luca Burci (both Graduate Institute Geneva), Marco Sassòli (Geneva Academy) and Sabine Leutheusser-Schnarrenberger (former German Minister of Justice).

We hope you enjoy the read and let us know your thoughts.

We remain with best wishes

Tim Eicke: Judge at the European Court of Human Rights

Pierre Thielbörger: Professor and Executive Director at IFHV, Ruhr University Bochum

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## Adaptation of Human Rights to Cultural Specificities?

CHRISTIAN TOMUSCHAT

**Abstract** The universal system of human rights, originally founded on the Universal Declaration of Human Rights and later consolidated particularly in the two International Covenants of 1966, has been complemented by a number of regional codifications. In Europe, in the Americas and in Africa, these regional instruments have additionally been provided with procedural mechanisms for monitoring and implementation. Since in the field of civil and political rights the relevant texts are largely similar or even identical, the question arises whether they can be given the same meaning irrespective of their different societal environments. The regional supervisory bodies have in fact easily accepted the relevant jurisprudence of their parent bodies across the continents, making active use of it. A common standard for a free and democratic society is unreservedly acknowledged. However, in some continents, in particular Africa, some sectors of life are deeply permeated by ancestral traditions that can hardly be reconciled with the demands of the formally applicable human rights guarantees. Here, political impulses are necessary that can be sought in the processes of Universal Periodic Review and in the jurisprudence of the UN Human Rights Committee.

**Keywords** International human rights, Universal and regional protection, Common standards for democratic freedoms in the jurisprudence, Disparities in respect of economic and social rights, Customary practices contrary to human rights

### Anpassung der Menschenrechte an kulturelle Eigenheiten?

**Abstract** Das Weltsystem des Menschenrechtsschutzes, das sich ursprünglich auf die Allgemeine Erklärung der Menschenrechte von 1948 stützte und später seine rechtliche Konsolidierung in den beiden Weltpakten von 1966 fand, ist durch eine Reihe von regionalen Menschenrechtsverträgen ergänzt worden. In Europa, auf dem amerikanischen Kontinent und in Afrika sind diese Verträge mit Verfahrensmechanismen zu ihrer Überwachung und Durchsetzung ergänzt worden. Da auf dem Gebiet der bürgerlichen und politischen Rechte der Wortlaut der einschlägigen Texte vielfach sehr ähnlich oder sogar identisch ist, stellt sich die Frage, ob ihnen ungeachtet ihrer unterschiedlichen gesellschaftlichen Verortung der gleiche Sinn zukommt. Die regionalen Überwachungsinstanzen haben in der Tat die Rechtsprechung der verwandten Gremien auf den anderen Kontinenten ohne Schwierigkeit akzeptiert. So haben sich weltweit einheitliche Kriterien für eine freie und demokratische Gesellschaft entwickelt. Auf einigen Kontinenten, insbesondere in Afrika, werden hingegen einige Bereiche des gesellschaftlichen Lebens nach wie vor von althergebrachten Traditionen beherrscht, die sich mit den Forderungen der geltenden Menschenrechtsgarantien kaum vereinbaren lassen. Hier sind politische Impulse erforderlich, die sich insbesondere aus dem Prozess des UPR sowie aus der Arbeit des UN-Menschenrechtsausschusses ergeben können.

**Keywords** Internationale Menschenrechte, Universeller und regionaler Schutz, Einheitliche Kriterien der Rechtsprechung für demokratische Freiheitsrechte, Disparitäten bei wirtschaftlichen und sozialen Rechten, Althergebrachte menschenrechtswidrige Traditionen

# 1 Universal and Regional Systems of Human Rights

## 1.1 Complementary, not Adversarial

Still today, the Universal Declaration of Human Rights (UDHR) of 10 December 1948<sup>1</sup> constitutes the foundation stone of the universal human rights system. It was so well equilibrated that up to the present time no major criticism has been levelled against it.<sup>2</sup> Thus, it could serve as the model for all later regional human rights instruments:

- the European Convention on Human Rights (ECHR), 1950;<sup>3</sup>
- the American Convention on Human Rights (ACHR), 1969;<sup>4</sup>
- the African Charter on Human and Peoples' Rights (ACHPR), 1981<sup>5</sup>.

In the Arab world, an Arab Charter on Human Rights was adopted in 2004 (second amended version).<sup>6</sup> No clear information can be gleaned from official sources since the League of Arab States does not entertain a system of treaty information. But through other channels it could be ascertained that the number of ratifying states currently stands at 16.<sup>7</sup> In any event, the Charter, although it seems to have come into force in 2008,<sup>8</sup> has not become operative as a driving force for the promotion and development of human rights. A process for the establishment of an Arab Court of Human Rights has begun but does not seem to be heading for a fruitful outcome.<sup>9</sup> The Statute of the Court<sup>10</sup> was adopted on 7 September 2014 but has not yet come into force, seven ratifications being required for that purpose (Article 33). No information can be obtained about the present stage of the process of ratification.

At world level, the guiding substantive standard is now set by the two International Covenants of 1966 on Civil and Political Rights (ICCPR), on the one hand, and Economic, Social and Cultural Rights (ICESCR), on the other.<sup>11</sup>

1 Adopted by UN General Assembly (UNGA), Resolution 217 (III) International Bill of Human Rights, A, Universal Declaration of Human Rights, UN-Doc. A/RES/3/217 A, 10.12.1948.

2 See Tomuschat 2014, p. 33.

3 European Convention on Human Rights, 04.11.1950, ETS No. 5.

4 American Convention on Human Rights, 22.11.1969, UNTS 1144, p. 123.

5 African Charter on Human and Peoples' Rights, 17.06.1981, UNTS 1520, p. 217.

6 See Humanrights.ch 2011.

7 States parties to the Arab Charter on Human Rights (as of December 2019, in order of ratification): Jordan (October 2004), Algeria (June 2006), Bahrain (June 2006), Libya (August 2006), Syria (February 2007), Palestine (November 2007), United Arab Emirates (January 2008), Yemen (November 2008), Qatar (January 2009), Saudi Arabia (April 2009), Lebanon (May 2011), Iraq (April 2013), Sudan (May 2013), Kuwait (September 2013), Mauritania (February 2019) and Egypt (April 2019); see Rishmawi 2020, p. x.

8 Rishmawi 2020.

9 For a harsh criticism of the Statute, see International Commission of Jurists 2015; Majzoub/Quilleré-Majzoub 2015, pp. 645–671; Tomuschat 2015, pp. 14–23.

10 Reproduced as annex to the appeal by the International Commission of Jurists, *supra* note 9, p. 35.

11 They have reached almost universal participation. On 4 January 2020, the ICCPR had 173 states parties, the ICESCR 170 states parties. Only few states have refrained from joining the Covenants on grounds of principle. Many smaller states have found it too burdensome to regularly submit reports about their relevant performance to the responsible treaty bodies.