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**HUMAN RIGHTS ACCOUNTABILITY OF NON-STATE ACTORS AND SPECIAL
CONCERNS ON WOMEN**

By

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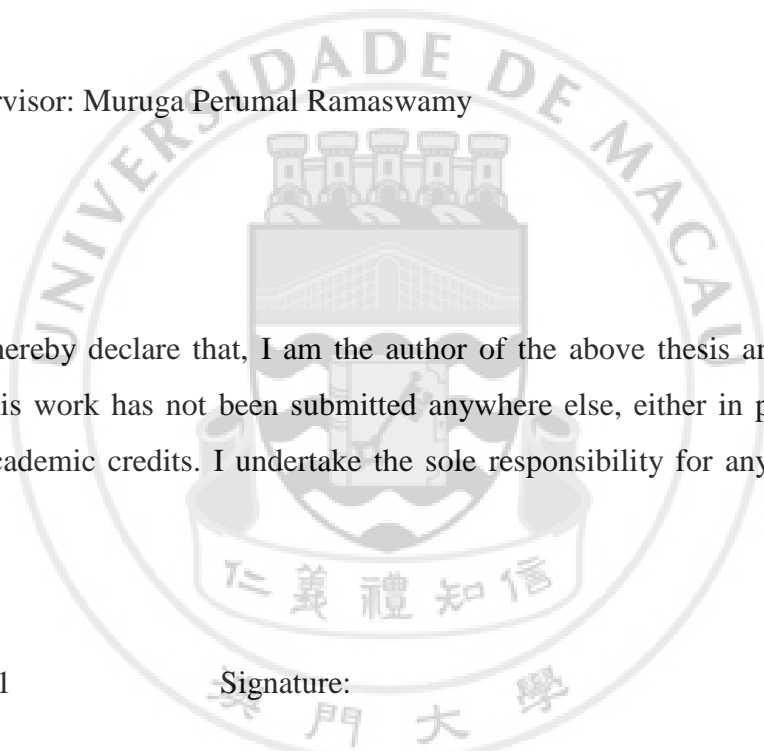
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Abstract

The role of non-state actors as human rights violators has long been ignored. The state-oriented international law and human rights law emphasize more on state conducts than non-state ones. As activities of non-state actors enlarge, concerns on their threats and actual violations of people's human rights increase as well. But there are challenges regulating these perpetrators due to their legal status in international law. Since non-state actors are not entitled to undertake international obligations, they cannot be held accountable for their infringements under international law. The main difficulty for international law imposing human rights obligations and invoking their accountability is that the traditional interpretation of international legal personality has been exclusive to states. Besides, non-state infringements are not effectively addressed. Violators typically keep a private relation with victims, such as relations of family, marriage, employment. When infringements occur in these private relations, the principle of nonintervention with personal privacy and family life upheld in many states could act as a barrier for providing effective protection from states. Overemphasizing on this principle and the protection of personal privacy in the circumstances involving non-state infringements could make human rights abuses occurring between private parties often neglected in cases of domestic violence against women and children.

Although states remain primary in international relations, the active participation of non-state actors make today's world not exclusive to states. Roles of the state are significant to protect people's human rights against non-state actors' violations. For one thing, the state should be held responsible for non-state actors' conducts, which are attributed to the states. Non-state conducts or omissions are attributable to the state under general international law, when the factual connection between conducts or omissions of non-state actors and the state is established. For another, the state has substantive obligations to respond appropriately to non-state actors' abuses under human rights law. Human rights treaties obligate states to prevent, protect and punish when human rights are violated. In the context of non-state actors as perpetrators, the state should take all proper measures to ensure non-state actors' conformity with human rights, to provide necessary protection and remedies for victims, and to punish perpetrator in its judicial system after infringements occur. More specifically, the due diligence standard has been developed to define state obligations to properly respond to non-state human rights violations.

To address direct accountability of non-state actors, their human rights obligations are further examined under international law. From the theoretical perspective, various interpretations of international legal personality consider non-state actors with the capacity to undertake obligations. In main human rights treaties, judicial practices, non-state actors are generally addressed to have obligations to respect human rights. In the discussion of corporate human rights accountability, positive developments have been realized both at the international and municipal level. Numerous codes of conduct to address their human rights obligations have been adopted by inter-governmental organizations, states, non-governmental organizations and transnational corporations themselves. At the municipal level, the Alien Tort Statute of the United States America has been applied to hold its transnational corporations accountable for their overseas human rights violations.

As a particularly vulnerable group of people in hands of non-state actors, women are considered as typical victims of non-state infringements. Engaging state responsibility to protect women has been adopted by judicial practice under international human rights law. The due diligence standard has been used to specify more and more detailed obligations of states to provide all appropriate protection and remedies to protect and redress women victims. Regarding the grave violations of women's rights in armed conflict, individual criminal responsibility has been applied to hold individuals directly accountable for sexual violence against women as serious crimes of international law. Due to the irrelevance of the state element, individual criminal responsibility can be considered applicable to punish all serious violations of women's rights, including non-state ones.

Focusing on non-state violations of human rights, this thesis mainly discusses two ways to hold non-state violators accountable. Engaging state responsibility for non-state human rights violations is the indirect way. Attributing non-state conducts to states and state obligations to protect people against non-state abuses are mainly discussed as the indirect way. Addressing direct accountability of non-state violators is the other way. Theoretical debates on the personality of non-state actors and their human rights obligations in various instruments are analyzed as direct way. In corporate human rights violations, the accountability of corporations has been more and more addressed both by international law and domestic legislations. Moreover,

as specific focus of this thesis, state responsibility and direct accountability are addressed in context of non-state violations of human rights of women as one of the most vulnerable groups.

Key Words: Human Rights Violations; State Responsibility; Accountability of Non-State Actors; Women's Human Rights.



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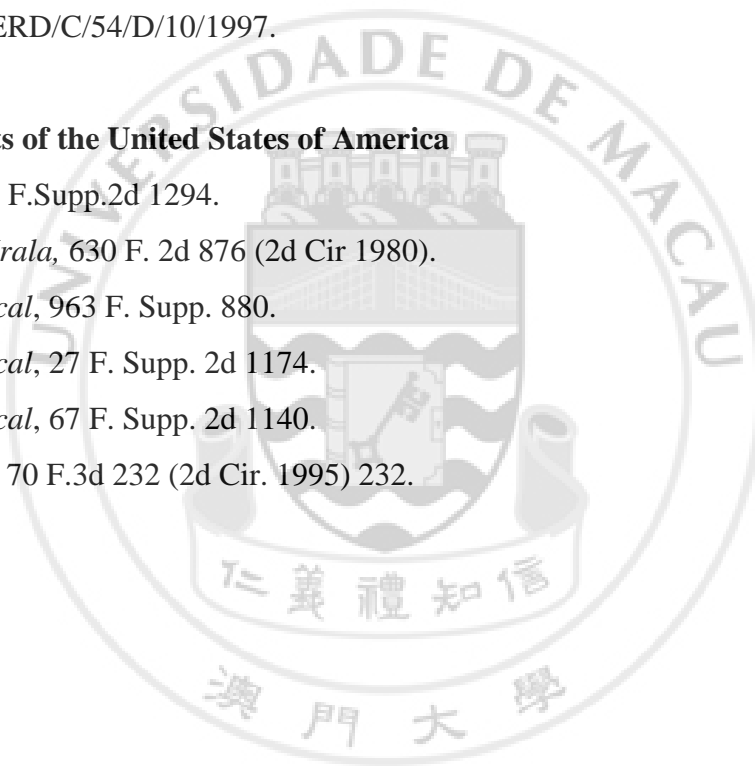
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