

International Labour Law

Edited by

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INTERNATIONAL LAW

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11. Henrik Karl Nielsen (1994), 'The Concept of Discrimination in ILO Convention No. 111', *International and Comparative Law Quarterly*, **43** (4), October, 827–56 282
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26. Kevin Kolben (2010), 'Labor Rights as Human Rights?', *Virginia Journal of International Law*, 50 (2), 449–84 833
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