

**International Human Rights Law**  
**Fall 2006 Syllabus**  
(subject to change)

The materials for this course are taken in part from Henry Steiner, Philip Alston and Ryan Goodman, *International Human Rights in Context: Law, Politics, Morals* (3<sup>rd</sup> ed., forthcoming May 2007)

**PART A:**  
**INTRODUCTORY NOTIONS AND BACKGROUND TO**  
**INTERNATIONAL HUMAN RIGHTS MOVEMENT**

**1. Human Rights Concepts and Discourse**

- A. Global Snapshots
- B. Capital Punishment: The Global Framework for Contemporary Human Rights Discourse

**2. Background to, and Postwar Creation of, the Human Rights Movement**

- A. Customary International Law: Earlier Development of Laws of War
- B. Natural Law and General Principles: The Law of State Responsibility
- C. Treaties: The Interwar Minorities Regime
- D. Transition to Contemporary Human Rights: Judgment at Nuremberg
- E. Launching of the Human Rights Movement: From the UN Charter to the Two Covenants

**PART B**  
**NORMATIVE FOUNDATION OF INTERNATIONAL HUMAN RIGHTS**

**3. Civil and Political Rights**

- A. Women's Rights and CEDAW
  - 1. Status, Discrimination, Violence: Socio-Economic and Cultural Context
  - 2. CEDAW's Principles and Committee
  - 3. Regulation of Nonstate Actors: Erosion of the Public-Private Divide
- B. The Question of Torture Revisited
  - 1. Growth of the Absolute Norm: Definitions, Incorporation, Institutionalization
  - 2. The Norm Unsettled: National Security Arguments and Justifications

**4. Economic and Social Rights**

- A. Context and Historical Background
- B. Competing Perspectives on Economic and Social Rights
  - 1. Introduction
  - 2. Philosophical perspectives
  - 3. Religious perspectives
  - 4. Economic perspectives
- C. The Legal Framework of the ICESCR
  - 1. Introduction to the Rights Contained in the ICESCR
  - 2. The Limitations Implied by 'Progressive Realization' and 'Available Resources'
- D. Justiciability: Courts and Economic and Social Rights

1. Pros and Cons of Constitutionalization
2. ESR in United States courts
- E. Using Civil and Political Rights to Promote Economic and Social Rights
  1. Introduction
  2. Competing Perspectives on the Inter-American System
- F. Social Mobilization Approaches
  1. Social science Perspectives
  2. Case Study of India: Public Interest Litigation and Beyond
- G. Towards More Effective Monitoring
  1. International Monitoring: Reporting and an Optional Protocol
  2. Domestic Monitoring Arrangements

## **5. National Security, Terrorism, and Derogations of Human Rights**

- A. Human Rights and Terrorism: Concepts and Relationships
- B. 11 September 2001
- C. The Legal Framework: Public Emergencies and Derogations
  1. Article 4 of the ICCPR
  2. Overview of the Relationships and Disjunctures between Human Rights and Humanitarian Law
- D. Regulating Arbitrary, Preventive and Indefinite Detention
  1. Case Study—Guantanamo: Process for Determining Status and Substantive Grounds for Detention
  2. Case Study—Indefinite Detention in Europe
- E. Guaranteeing Fair Trials
- F. National Security and Economic and Social Rights

## **PART C RIGHTS, DUTIES, AND UNIVERSALISM**

### **6. Conflicts in Culture, Tradition and Practices**

- A. Universalism and Cultural Relativism
- B. Dissonance and Conflict: Illustrations
  1. Gender
  2. Case Study—Citizenship, Multiculturalism, Identity: Headscarves

## **PART D INTERNATIONAL HUMAN RIGHTS INSTITUTIONS**

### **7. The UN Human Rights System**

- A. Conceptions of Enforcement
- B. The UN System: Charter-Based Institutions
- C. The UN Human Rights Council
- D. UN Techniques for Responding to Violations
  1. Historical Evolution and the Confidential 1503 Procedure
  2. Special Procedures
  3. Role of the High Commissioner for Human Rights
  4. Other Techniques: Darfur Commission, Special Adviser on Prevention of Genocide
- E. The Security Council: Humanitarian Intervention and Sanctions
  1. Evolving Role of the Security Council with respect to Human Rights
  2. The Responsibility to Protect
  3. Sanctions
- F. International Court of Justice

## **8. Treaty Organs: The ICCPR Human Rights Committee**

- A. Powers, Functions and Performance of the ICCPR Committee
  - 1. Structure and Evolution
  - 2. State Reporting
  - 3. General Comments
  - 4. Individual Communications
- B. Treaty Body System as a Whole
  - 1. Reform Proposals
  - 2. Impact of Treaty Regimes

## **9. Regional Arrangements**

- A. Comparison of Universal and Regional Regimes
- B. The European Convention System
  - 1. Evolution
  - 2. Institutional Context: EU, Council of Europe and OSCE
  - 3. Other Human Rights Treaties of Council of Europe
  - 4. European Court of Human Rights: Individual Petitions
  - 5. European Court of Human Rights: Interstate Procedure
  - 6. Illustrative Decisions
- C. The Inter-American System
  - 1. Background and Institutions
  - 2. Inter-American Court: Illustrative Decisions
  - 3. The Inter-American Commission at Work
- D. The African System
  - 1. Context: The African Union
  - 2. The African Commission: Illustrative Decisions
  - 3. The African Court on Human and Peoples' Rights: Beginnings

## **PART F CURRENT TOPICS**

## **10. Non-state Actors and Human Rights**

- A. The Evolving Legal Framework
- B. Illustrations of Characteristic Issues
- C. Corporations: Paths toward Imposing Human Rights Obligations
- D. Human-Rights Accountability of NGOs and Armed Opposition Groups

## **11. Human Rights and Development, Finance, and Trade**

- A. Globalization
- B. Right to Development and International Distributive Justice
- C. World Bank
- D. International Monetary Fund
- E. International Trade

## **12. Critiquing the Human Rights Regime**