

INTERNATIONAL HUMAN RIGHTS LAW

Fall 2011

Philip Alston

Class Schedule: Tuesdays 12.00 – 1.15 and Thursdays 10.00 – 11.15, Room VH 218

Office hours 11.15 – 1.15 Thursdays, sign-up with Audrey Watne VH 310
(Audrey.watne@nyu.edu)

Course texts

The coursebook is Steiner, Alston and Goodman, *International Human Rights in Context: Law, Politics, Morals* (3rd ed., 2008) (hereafter “CB”) In addition, there is a set of Supplementary Materials (hereafter “Supp Mat”, which will be posted on Blackboard and made available in hard copy.

There is also a Documents Supplement which contains official documents which you will need to refer to during the course. This can also be downloaded from Blackboard.

Please note that the specific materials listed below are not necessarily final. For some selected sessions, especially later in the semester, I will be adding to the Supp Mats and reducing the reading from the CB.

1. Thurs. Sept. 1 – Supp Mat, pp. 1-18

Human Rights Issues, Concepts and Discourse: Global Snapshots

2. Tues. Sept. 6 – CB pp. 17-46

Ch. 1 B. 1. The Rapidly Changing Law on Capital Punishment
2. National courts and international law

3. Thurs. Sept. 8 – CB pp. 58-95

Ch 2. The Human Rights Movement: Background and Birth
A. Laws of war and customary international law
B. State responsibility, general principles and natural law

4. Tues. Sept 13 – CB pp. 96-133

Ch. 2 C. Interwar minorities regime and the role of treaties
D. Judgment at Nuremberg

5. Thurs. Sept. 15 – CB pp. 133-174

Ch. 2 E. Birth of the movement: the UN Charter and the UDHR
Ch. 3. Civil and Political Rights
A. The International Covenant on Civil and Political Rights: introduction
B. Significance for human rights movement of changing character of customary international law and of ‘soft law’

6. Tues. Sept. 20 – CB pp. 175-203

Ch. 3 C. Women's rights and CEDAW

1. Background to CEDAW: Socio-Economic Context, Discrimination and Abuse
2. CEDAW: Provisions and Committee

7. Thurs. Sept. 22 – CB pp. 203-223

Ch. 3 2. CEDAW: Provisions and Committee (cont'd)

3. The Public/Private Divide: Discrimination and Violence by Nonstate Actors

8. Tues. Sept. 27 – CB pp. 224-261

Ch. 3 D. Torture Revisited

9. Thurs. Sept. 29 – CB pp. 1244-1290

Ch. 14 A. International Criminal Tribunals for the former Yugoslavia and Rwanda

10. Tues. Oct. 4 – CB pp. 1291-1309 and Supp Mat pp. 64-68

International Criminal Court

11. Thurs. Oct. 6, 6.00-7.15pm Lecture by Judge Meron of the ICTY

12. Tues. Oct. 11 – CB pp. 263-287

Ch. 4. Economic and Social Rights

- A. Socio-economic context and historical background
- B. Competing perspectives on ESR

13. Thurs Oct. 13 – CB pp. 294-312

Ch. 4 C. The problem of resources

1. Available resources
2. The fiscal dimension

14. Tues. Oct. 18 – CB pp. 313-315 and 321-347

Ch. 4 D. Giving content to ESR: justiciability

1. India: 'Directive Principles'
2. South Africa: A Model Social Rights Constitution?

15. Thurs. Oct. 20 – CB pp. 375-404

Ch. 5. National Security, Terrorism and Limitations on Human Rights

- A. Terrorism and human rights: definitions and relationships
- B. 11 September 2001: a turning point
- C. The legal framework: public emergencies, derogations and the laws of war

16. Tues. Oct. 25 – CB pp. 404-432

Ch. 5 D. Regulating detention

1. Case Study: Guantánamo Detainees
2. Case Study: Indefinite Detention in Europe

17. Thurs. Oct. 27 – CB pp. 700-709 and 735-754, 799-802, and 806-810

Ch. 8. Issues of Sovereignty

Ch. 9. The United Nations Human Rights System

A. The UN system: charter-based institutions

B. Fact-finding

D. Establishing the Human Rights Council

D. Universal Periodic Review

18. Tues. Nov. 1 – CB pp. 765-769 and Supp Mat, pp. 19-41

Ch. 9 C. The thematic ‘special procedures’ of the Council

19. Thurs. Nov. 3 – CB pp. 824-829, 835-842, and Supp Mat pp. 42-58

Ch. 9 E. The role of the High Commissioner for Human Rights

F. The Security Council and the responsibility to protect

20. Tues. Nov. 8 – CB pp.844-872

Ch. 10. Treaty Bodies: The ICCPR Human Rights Committee

A. Powers, functions and performance of the ICCPR Committee

1. Introduction

2. State Reporting

21. Thurs. Nov. 10 – CB pp. 873-906 and 913-916

Ch. 10 A. 3. General Comments

4. Individual Communications

22. Tues. Nov 15 – CB pp. 933-963, and Supp Mat pp. 59-62

11. Regional Arrangements

A. Comparison of universal and regional systems

B. The European Convention system

1. Introduction and Overview

2. The European Court and its Procedures

3. The Interstate Procedure: Article 33

4. The Court’s Jurisdiction

23. Thurs. Nov. 17 – 996-1000 and Supp Mat p. 63

Ch. 11 B. 5. The European Court in Action: Some Illustrative Cases

a. Issues of Sexuality

b. Democracy and Political Participation

24. Tues. Nov. 22 – 1020-1033 and 1042-1062

Ch. 11 C. The Inter-American System

25. Tues. Nov. 29 – CB pp. 1344-1384

Ch. 14 F. Truth Commissions

26. Thurs. Dec. 1 – CB pp. 528-529, 531-539 and Supp Mat pp. 69-79
Anthropological and other perspectives

27. Tues. Dec. 6 – CB pp. 713-734
Sociological perspectives

28. Thurs. Dec. 8 – Supp Mat pp.
Evaluating the impact of the international human rights regime