

Revised as of March 3, 2009

# **INTERNATIONAL HUMAN RIGHTS LAW**

## **Spring 2009**

**Philip Alston**

Class Schedule Wednesdays 2.00 – 3.15 and Fridays 12.00 – 1.15, Room VH 210  
Office hours 9.15 – 11.15 Wednesdays, sign-up with Kelly Ryan

The coursebook is Steiner, Alston and Goodman, *International Human Rights in Context: Law, Politics, Morals* (3<sup>rd</sup> 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.

Note that 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.

### **1. Wed. Jan 14 – Supp Mat, pp. 1-18**

Human Rights Issues, Concepts and Discourse: Global Snapshots

### **2. Fri Jan 16 – CB pp. 17-46**

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

### **3. Wed Jan 21 – 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. Fri Jan 23 – CB pp. 96-133**

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

### **5. Mon Jan 26 (12.30 – 1.45) – 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. Wed Jan 28 – 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. Fri Jan 30 – 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. Mon Feb 2 (12.30 – 1.45) – CB pp. 224-261**

Ch. 3 D. Torture Revisited

**9. Wed Feb 4 – CB pp. 263-287**

Ch. 4. Economic and Social Rights

A. Socio-economic context and historical background

B. Competing perspectives on ESR

**10. Fri Feb 6 – CB pp. 294-312**

Ch. 4 C. The problem of resources

1. Available resources

2. The fiscal dimension

**11. Mon Feb 9 (12.30 – 1.45) – 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?

**12. Wed Feb 11 – 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

**13. Fri Feb 13 – CB pp. 404-432**

Ch. 5 D. Regulating detention

1. Case Study: Guantánamo Detainees

2. Case Study: Indefinite Detention in Europe

**14. Wed. March 4 – 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

**15. Fri March 6 – CB pp. 765-769 and Supp Mat, pp. 19-41**

Ch. 9 C. The thematic 'special procedures' of the Council

**16. Tues March 10, 5.00 – 6.15 pm, VH 210**

**Lecture by Judge Bruno Simma, Human Rights and the International Court of Justice**

**17. Wed March 11 – 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

**18. Fri March 13 – CB 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

**19. Wed March 25 – CB pp. 873-906 and 913-916**

Ch. 10 A. 3. General Comments

4. Individual Communications

**20. Fri March 27 – 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

**21. Wed April 1 – CB pp. 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

**22. Fri April 3 – CB pp. 1020-1033 and 1042-1062**

Ch. 11 C The Inter-American System

**23. Wed April 8 – Supp Mat, separate pdf file**

International Humanitarian Law

Protecting Non-combatants

Non-combatants in internal conflicts

**24. Fri April 10 – Supp Mat , separate pdf file**

International humanitarian Law (cont'd)

Occupying foreign territory

**25. Wed April 15 – 1291-1309, and Supp Mat pp. 64-68**

International Criminal Court

**26. Fri April 17 – CB pp. 528-529, 531-539 and Supp Mat pp. 69-79**  
Anthropological and other perspectives

**27. Wed April 22 – CB pp. pp. 713-734**  
Sociological perspectives

**28. Fri April 24 – CB pp. 491-494, and Supp Mat pp. 80-94**  
Critical perspectives