Venue and Times

All sessions take place in the St Cross Law Faculty Building. Participants will attend a plenary lecture from 09:15 to 10:15 and then break into smaller groups for a seminar from 10:35 to 11:47. The course consists of sixteen sessions. The first session meets on Tuesday 11 July and the last on Wednesday 2 August 2017. There is a three-hour examination on Friday 4 August.

Course Aims and Scope

The aim of this course is to provide participants with a broad understanding of the nature, scope and practical implementation of modern international human rights law.

The first part of the course examines the origins and development of international human rights law and the basic key principles that underlie this body of international law. During the first part of the course we examine the rights and duties set out in the International Bill of Rights. We further explore some of the tensions, problems and challenges involved in translating the theory of human rights into practice.

The second part of the course examines the work and effectiveness of the international and regional human rights laws and enforcement machinery. We evaluate the United Nation’s (UN) Charter and Treaty-based human rights machinery and regional and sub-regional human rights systems. During this part of the course particular emphasis will be placed upon an examination of the regional systems in the Americas, Africa and Europe. In order to better appreciate the workings of these systems, we will also give brief consideration to their standards and mechanisms in relation to selected substantive rights.

The final part of this course examines a number of selected topics in international human rights law. During this section of the course we review some other branches of international law that intersect with international human rights law (namely international criminal law, international refugee law and international humanitarian law) and we give attention to the rights of a number of particular groups. We end with a panel discussion reviewing some of these key issues in reflecting the future of human rights.

Teaching Methods and Course Assessment

This course is taught by way of a daily plenary lecture that is delivered by a different eminent faculty member each day (please refer to the Fundamental's plenary lecture schedule). The lecture is followed by small seminar groups that aim to provide a forum for closer analysis and discussion of the topic of the day.

Preparation, Participation and Evaluation

Participants are required to prepare for each session. You should come to the seminars ready to actively participate in discussions, having done the essential reading. You will find many of the essential readings in Moeckli, D et al., International Human Rights Law (2014); Bisset, A (ed.), Blackstone's International Human Rights Documents (2016) and in the reading pack (all of which will be given to you).

References to further readings are also cited in the reading list. These readings are not in your reading pack and you are not expected to locate or read them in preparation for the seminars. They are listed for the purposes of further research and reference. The syllabus will be emailed to you so you can use the links.

The questions on the reading list are there to guide thinking and discussion during the seminars and the revision period. You are not expected to come to the seminars with prepared answers to these questions. If you have time, once you have completed the essential readings, please think about these questions and come ready to discuss them in your seminar.

Course Evaluation

The course is evaluated by way of a written examination (75%) and class participation (25%).
I - INTRODUCTION TO INTERNATIONAL HUMAN RIGHTS LAW

WEEK 1

Session 1 (Tu 11 July): International Human Rights Law in the 21st Century: An Introduction (Başak Çalı)

Session 2 (W 12 July): Sources of International Human Rights Law (Hurst Hannum)

Session 3 (Th 13 July): The Nature of Human Rights Obligations (Fernando Toller)

II - UNIVERSAL AND REGIONAL HUMAN RIGHTS SYSTEMS

WEEK 2

Session 4 (F 14 July): Effective Advocacy at the UN: The UN Charter-based System (Chip Pitts)

Session 5 (M 17 July): The UN Treaty-based Systems, with a focus on Freedom of Expression (Hurst Hannum)

Session 6 (Tu 18 July): The Inter-American Regional Human Rights System (Fernando Toller)

Session 7 (W 19 July): The African Regional Human Rights System and Emerging Regional Systems (Frans Viljoen)

Session 8 (Th 20 July): The European Regional Human Rights System (Başak Çalı)

III - SELECTED TOPICS IN INTERNATIONAL HUMAN RIGHTS LAW

WEEK 3

Session 9 (M 24 July): Humanitarian Law and Intervention (Dino Kritsiotis)

Session 10 (Tu 25 July): The International Rights of Refugees (Stephen Meili)

Session 11 (W 26 July): International Criminal Law (Patti Sellers)

Session 12 (Th 27 July): Women’s Human Rights (Karima Bennoune)

Session 13 (F 28 July): The Role and Accountability of Non-State Actors in the Protection and Promotion of Human Rights (David Kinley)

WEEK 4

Session 14 (M 31 July): Group Rights and Collective Rights (Alexandra Xanthaki)

Session 15 (Tu 1 Aug): Poverty and Human Rights (Chip Pitts)

Session 16 (W 2 Aug): Panel: The Future of Human Rights (Susan Karamanian, chair with panellists)
Aim: This session explores in broad terms the historical, philosophical, and political basis of the idea of human rights. We ask what the core features of human rights are, and identify the roots and development of modern international human rights law, thereby laying the foundations for the rest of the course. We also attempt to begin to tease out some of the tensions and problems involved in legalizing human rights in international law and whether it is still adequate that states are the primary duty holders for human rights in international law.

Essential Readings

- Moeckli, D. et al. (eds.) *International Human Rights Law* (Pillay, Roth, Jilani) pp. 3-14 [12 pages].

- Bisset, A. (ed.) *Blackstone’s International Human Rights Documents*:
  - Human Rights Clauses of the United Nations Charter (Articles 1, 2, 55, and 56)
  - The Universal Declaration of Human Rights (1948)
  - UN International Covenant on Civil and Political Rights (1966)
  - UN International Covenant on Economic Social and Cultural Rights (1966)

Further Readings


Discussion Questions

1. What are ‘human rights’?
2. How is ‘International human rights law’ related to the concepts and values underscoring ‘human rights’?
3. In what sense, if any, can we speak of ‘universal’ human rights law when there are so many different standards of achievement regarding human rights around the world?
Aim: The aim of this session is examine how we identify international human rights law. As a branch of public international law, the sources of international human rights law are those set out in Article 38(1) of the Statute of the International Court of Justice (ICJ). During this session we will review the purpose, nature and scope of these various sources of law. By the end of the session, we will have a basic understanding of international treaties, customary international law and so-called ‘soft law’, and key understandings of the workings of international human rights law.

Essential Readings

- Moeckli, D. et al. (eds.) *International Human Rights Law* (C4, Chinkin, pp. 75-95), (C6, Joseph and Fletcher, 119-139) [42 pages].
- *Jurisdictional Immunities of the State (Germany v. Italy: Greece intervening)*, International Court of Justice (2012), Summary of Judgment (paragraphs 55-79 and 92-97), and the Dissenting opinion of Judge Yusuf (paragraphs 21-42).

Further Readings

- General Comment 24, UN Human Rights Committee (General Comments of the UN HRC are available at: [http://www.ohchr.org/EN/HRBodies/Pages/TBGeneralComments.aspx](http://www.ohchr.org/EN/HRBodies/Pages/TBGeneralComments.aspx)
- Explore the web side of the International Court of Justice [www.icj-cij.org](http://www.icj-cij.org)

Discussion Questions

1. What is a ‘source’ of international law and why do human rights lawyers and advocates need to have a good understanding of these sources?
2. What is customary international law? What is treaty law and how are treaty obligations affected by limitations, derogations and reservations? What is soft law? Give some examples.
3. Which human rights norms qualify as peremptory norms of international law? How (if at all) does peremptory status contribute to better protection of human rights?
Aim: The aim of this session is to introduce the overarching interpretive principles that underpin international human rights law. More specifically, this session will address the following questions: (i) What rights are enshrined in international human rights law? (ii) To whom does international human rights law apply? (iii) Who holds duties under international human rights law? (iv) What types of international human rights law duties are there? (v) Where does international human rights apply?

Essential Readings

- Case of the Mapiripan Massacre (Colombia), Inter-American Court of Human Rights (case summary, 2005) [4 pages].
- Beldjoudi v. France, European Court of Human Rights, (case summary, 1992) [1 page].
- Case of Bankovic and others v. Belgium and others, European Court of Human Rights, Grand Chamber, Decision on Admissibility, 12 December 2001 (paras 4-13 and 59-82) [9 pages].

Further Readings

- Bisset, A. (ed.) Blackstone’s International Human Rights Documents:
  - Universal Declaration of Human Rights (1948)
  - UN International Covenant on Civil and Political Rights (1966)
  - UN International Covenant on Economic Social and Cultural Rights (1966)

Discussion Questions

1. What is the ‘special character’ of international human rights obligations? Where does it come from? Is it useful?
2. Why does international human rights law traditionally assign human rights law-based duties only to states? Can other entities have duties under international human rights law?
3. What are ‘positive obligations’? Do all rights have correlating positive obligations? Using the ICCPR and the ICESR, please identify and discuss examples of positive obligations.
FUNDAMENTALS OF INTERNATIONAL HUMAN RIGHTS LAW

Session 4 (Friday 14 July 2017)
Effective Advocacy at the UN: The UN Charter-based System
Chip Pitts

Aim: The aim of this session is to examine the UN Charter-based system as well as its relationship to the UN Charter-based mechanisms. The session will introduce those UN human rights mechanisms which were established directly under the authority of the UN Charter, and which are therefore applicable to all 193 UN member states. The focus of the lecture will be on the UN Human Rights Council itself as well as the following mechanisms of the UN Human Rights Council: the Universal Periodic Review (UPR) and the Special Procedures.

Essential Readings

- Moeckli, D. et al. (eds.) International Human Rights Law, (C 18, Connors and Schmidt, pp. 359-375 & 388-396) [26 pages].
- Resolution adopted by the UN General Assembly on the Human Rights Council, UN Doc. A/RES/60/251, 3 April 2006 [4 pages]

Further Readings


Discussion Questions

1. 11 years on, has the UN Human Rights Council fulfilled its mandate as set out in General Assembly resolution 60/251?
2. The Special Procedures have been described as the ‘crown jewels’ of UN Charter-based human rights mechanisms. Can this claim still be sustained? What are their strengths and weaknesses?
3. What added value has the UPR mechanism brought to the UN Charter-based System?
4. Considering a particular human rights focus consider which of the UN Charter-based mechanisms are most able to (i) innovate and push the boundaries of human rights thinking, (ii) engage with a variety of actors, (iii) ensure realization of rights standards, (iv) assist states in advancing their respect of international human rights?
Aim: This session will provide a general introduction to international human rights protection systems, especially considering the methods and effectiveness of the core UN human rights treaties and their corresponding treaty bodies. The focus is on the relative strengths and weaknesses of two key treaty-based methods: State reporting (used by all treaty bodies for all States parties) and individual complaint procedures (available before most treaty bodies but only in relation to States parties that accept these optional, additional procedures). Illustrations are provided from the work of the Human Rights Committee (ICCPR) in relation to Freedom of Expression.

Essential Readings

- Moeckli, et al. (eds.) *International Human Rights Law* (C18, Connors and Schmidt, pp. 375-387), (C11, Boyle and Shah, pp. 218-237) [30 pages].
- Bisset, A. (ed.) *Blackstone's International Human Rights Documents*:
  - International Covenant on Civil and Political Rights, 1966 – Article 19
- General Comment 34 of the UN Human Rights Committee on Freedoms of Opinion and Expression (Article 19), 2011, available at [http://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf](http://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf) (13 pages)

Useful Websites

- Article 19 – [https://www.article19.org](https://www.article19.org)

Further Readings


Discussion Questions

1. What are the strengths and weaknesses of State reporting under UN human rights treaties? Examine in relation – for example – to their success, or otherwise, in advancing freedom of expression.
2. Has the UPR process rendered the treaty-based State reporting process obsolete?
3. What are the strengths and weaknesses of the individual complaint system before UN treaty bodies? What would be gained and lost by consolidating the multiple UN human rights treaty bodies into a single, omnibus body? What kinds of consolidation could be gained short of this measure?
Aim: This session introduces the Inter-American regional human rights system and discusses the characteristics of this system through the lens of the Velasquez Rodriguez case and the more recent developments.

Essential Readings


Further Readings

- Bisset, A. (ed.), *Blackstone’s International Human Rights Documents*:
  - The American Declaration of the Rights and Duties of Man
  - The American Convention on Human Rights

Discussion Questions

1. What are positive obligations? How does the Velasquez Rodriguez case address them?
2. What are some of the differences between the Inter-American system of human rights protection and other regional systems?
3. What are the current challenges facing the Inter-American system of human rights protection?
Aim: This session is designed to elicit discussion about the extent to which the African human rights system simultaneously draws from, and differs with, the international human rights enforcement regime. This will then form the basis of a broader discussion about emerging regional systems.

Essential Readings

- Bisset, A.(ed.) *Blackstone's International Human Rights Documents*:  
  - African Charter on Human & Peoples’ Rights

Further Readings


Discussion Questions

1. What are some of the differences between the African Charter on Human and Peoples’ Rights and the other regional human rights treaties?
2. What are the central difficulties in enhancing the effectiveness of the African human rights system?
3. What implications, if any, does the African human rights system have for emerging human rights systems?
**Aim:** The aim of this session is to provide participants with an introduction to the European human rights protection system. The European Court of Human Rights is in many ways the most active and powerful regional human rights court. It has a long history of significant judgments and a vast compulsory territorial jurisdiction in forty seven states. Yet it suffers from a variety of problems including a large caseload and delays in proceedings, and what is termed as an 'implementation' crisis with respect to the judgments it delivers. Moreover it has in the recent years generated some backlash from states who accuse the Court being too activist or too interventionist in the domestic legal systems of its members. The lecture will discuss the strengths and weaknesses of the European system and the current challenges it faces.

**Essential Readings**

- Hirsii Jama and others v. Italy Application No 27765/09, judgment of 23 February 2012 in particular paras 9-17, 70-82, 113-138, 145-158, 166-187, 211.
- S.A.S v France (Application no. 43835/11) in particular paras 10 -14; 53-58; 92-98; 106-159.

**Primary sources:**

- Bisset, A.(ed.), Blackstone’s International Human Rights Documents:
  - Convention for the Protection of Human Rights and Fundamental Freedoms (the European Convention)
  - Fourteenth and Fifteenth Protocol to the European Convention

**Discussion Questions**

1. What are the central institutions in the European human rights architecture?
2. What is the ‘margin of appreciation’? What are the advantages and disadvantages of having such a doctrine in IHRL?
3. What are the central strengths and weaknesses of the European Human Rights System? What do the cases above indicate with regard to the strengths and weaknesses of the system?
**FUNDAMENTALS OF INTERNATIONAL HUMAN RIGHTS LAW**

**Session 9 (Monday 24 July 2017)**

**Humanitarian Law and Intervention**

Dino Kristiotis

**Aim:** This session explores the basic international legal framework governing the resort to the use of force by states (*ius ad bellum*) and the rules that govern the conduct of hostilities once an armed conflict has begun (*ius in bello*). We open with an examination of the basic principles of international humanitarian law (IHL) applicable to all parties during armed conflict. We then review the prohibition of the use of force by states in the UN Charter and the exceptions to this rule, including the controversial development of the Responsibility to Protect (R2P) doctrine. Finally, we examine the relationships between international humanitarian law and international human rights law.

**Essential Readings**


**Primary sources (and Essential Reading):**

- Articles 1, 2, 39, 41, 42, 51 and 53 of the UN Charter

**Further Readings**


**Discussion Questions**

1. What are the basic principles of international humanitarian law? To what extent do they apply in non-international conflicts? What remedies does the international system provide for violations of these principles?
2. To what extent may the UN Security Council authorize the use of armed force to prevent or stop serious human rights abuses? To what extent may regional organizations do so? To what extent may states use armed force for such purposes without authorization by the Security Council or a regional organization?
3. What is the relationship between international human rights and international humanitarian law? To what extent does international human rights law apply in armed conflict?
**Aim:** The aim of this session is to provide an understanding of the framework of international refugee law. By the end of the session, you should have an improved understanding of what it means to be a refugee under international law and to know refugees’ key rights. You will have a greater sense of how States and the UN provide protection for refugees and, to a lesser extent, internally displaced persons (IDPs); the various barriers refugees need to overcome in order to access asylum; and some of the moral, policy and legal dilemmas encountered when balancing immigration control with refugee protection. You should also have an understanding of the distinction between a refugee and an asylum-seeker.

**Essential Readings**

- *Hirsi Jamaa and others v. Italy (the Boat People)*, European Court of Human Rights, Application no.27765/09, Judgment of 23 February 2012 (case summary) [4 pages].

**Primary sources (and Essential Reading):**

- Bisset, A.(ed.), *Blackstone’s International Human Rights Documents*:
  - UN Convention Relating to the Status of Refugees 1951
  - Protocol to the UN Refugee Convention 1967

**Further Readings**


**Useful links**

- United Nations High Commissioner for Refugees, [www.unhcr.org](http://www.unhcr.org)
- The University of Michigan Refugee Case Law Site [www.refugeecaselaw.org](http://www.refugeecaselaw.org)
- International Association of Refugee Law Judges [www.iarlj.nl](http://www.iarlj.nl)
- Office of the High Commissioner for Human Rights [www.ohchr.org](http://www.ohchr.org)
- Refugee Studies Centre, University of Oxford [http://www.rsc.ox.ac.uk/](http://www.rsc.ox.ac.uk/)
- Refugee Law Initiative, SOAS, University of London [http://rli.sas.ac.uk/](http://rli.sas.ac.uk/)

**Discussion Questions**

1. If you were tasked with designing a legal framework for addressing, in a fair and effective way, the global protection of refugees what would the core elements be? How would you implement and enforce such a framework?
2. How does international law define “refugee”? In precise terms, how do each of the distinct elements fit together?
3. What is the difference between a refugee and an asylum-seeker?
Aim: This session examines international criminal law, with a focus on the work of international courts and tribunals. We explore how international law is applied to individuals in the adjudication of war crimes, crimes against humanity and genocide. We commence with a historical review of international adjudication and jurisprudence, beginning with the International Military Tribunals created after World War II, up to the creation of the International Criminal Court (ICC). We then focus on the substantive and procedural provisions of the ICC and other contemporary international courts and tribunals.

Essential Readings

- Bisset, A. (ed.) *Blackstone's International Human Rights Documents*:
  - Rome Statute of the International Criminal Court, Preamble and articles 5-8; also articles 1-17, 22-33.

Further Readings

Descriptions of the various international and hybrid criminal tribunals and their cases can be found on their websites:
- International Criminal Tribunal for former Yugoslavia: [http://www.un.org/icty/index_text.htm](http://www.un.org/icty/index_text.htm)
- Special Court for Sierra Leone: [http://www.rscsl.org](http://www.rscsl.org)

Discussion Questions

1. What crimes should be tried in international criminal tribunals beyond the core of: war crimes, genocide and crimes against humanity and aggression? What about piracy, terrorist crimes or organized crime?
2. Are there any circumstances under which the international legal system, on an exceptional basis, should allow the possibility of amnesty, pardon or imposition of statute of limitations for international crimes? What would constitute exceptional circumstances?
3. From the victim’s point of view, is it better to conduct trials for international crimes at international courts or at local, national courts? From the accused point of view, which jurisdictional venue would be preferable?
Aim: Turkish women’s human rights defender Pinar Ilkkaracan has written that “it might come as a surprise to many… that it was only in the early 1990s that the United Nations finally recognised that women and girls also have human rights. If you consider this a bit late in history, you might be even more surprised to learn that the UN did so rather unwillingly, and only under the immense pressure of thousands of women and women’s groups both from the south and the north…” In 1993, participants at the UN World Conference on Human Rights in Vienna declared, “women’s rights are human rights”. This moment marked a watershed in feminist engagement with international human rights law. That same year the General Assembly finally adopted a Declaration on the Elimination of Violence against Women. 1994 saw the creation of the post of UN Special Rapporteur on Violence against Women. In 1995, the UN Fourth World Conference on Women committed to “ensure the full implementation of the human rights of women.” Further, it affirmed women’s sexual and reproductive rights, noting that “[t]he human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence.” 1999 saw the adoption of the Optional Protocol to the Convention on the Elimination of All Forms of Violence against Women, an implementation mechanism meant to put the treaty on an equal footing with other human rights instruments. Women’s human rights has become a recognized sub-field within human rights law, and one that interrogates many assumptions of classical human rights law –such as its public/private distinction. While much progress has been made toward developing gender-sensitive and gender inclusive approaches in human rights, many challenges remain outstanding, including implementation and mainstreaming. The women’s human rights “revolution” of the 1990s remains unfinished.

Essential Readings

- Moeckli, D. et al. (eds.) International Human Rights Law. (C 16, Otto, pp. 316-332), (C 15, O’Flaherty, pp. 303-315) [29 pages].

Further Readings


Discussion Questions

1. What does it mean to assert that women’s rights are human rights? What does it mean to ask if women are human?
2. How did women’s human rights defenders challenge classical notions of human rights law and human rights practice, from the 1990s onward?
3. How much progress has been made since the 1990s women’s human rights “revolution” in mainstreaming women’s human rights throughout the normative and institutional human rights system?
4. What is the significance of Farida Shaheed’s call to shift the paradigm from one that views culture as an obstacle to women’s rights to one that seeks to ensure women’s equal enjoyment of cultural rights?
Aim: This session examines the important role of non-state actors – such as human rights defenders, non-governmental organisations (NGOs) and the business sector – in the realisation of human rights. We commence with a review the specific provisions of international human rights law which, taken together, provide a right for defenders and NGOs to carry out a wide range of activities in the defence of human rights. We then turn to examine some of the practical advocacy strategies used by defenders and human rights NGOs which aim to impact human rights protection at the international, regional and local levels, including a brief assessment of Russia’s controversial ‘Foreign Agents’ Law. The session also examines the landscape of corporate responsibility for the protection of human rights, both from the view of domestic enforcement, such as litigation in U.S. courts under the Alien Tort Statute, and from a wider, preventive approach as advocated by the Special Representative of the UN Secretary-General on the issue of human rights and transnational corporations and other business enterprises. We pull these two threads together in the conclusion, focusing on a critical look at the responsibilities of human rights NGOs and the business sector, and how best to advance this accountability.

Essential Readings

- Bisset, A. (ed.) *Blackstone’s International Human Rights Documents*:  
  - UN International Covenant on Civil and Political Rights, Articles 2(3), 19, 21 and 22
- UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders), available at [http://www.ohchr.org/EN/ProfessionalInterest/Pages/RightAndResponsibility.aspx](http://www.ohchr.org/EN/ProfessionalInterest/Pages/RightAndResponsibility.aspx)
- Civil Society in Russia and the ‘Foreign Agents’ Law:  
  - NGO Law Monitor: Russia - [http://www.icnl.org/research/monitor/russia.html#intro](http://www.icnl.org/research/monitor/russia.html#intro) – introductory note only [2 pages] [Not in reading pack, please read online.]

Further Readings

Useful Websites

- The work of the UN SR on Human Rights Defenders - [http://www2.ohchr.org/english/issues/defenders/index.htm](http://www2.ohchr.org/english/issues/defenders/index.htm)

Discussion Questions

1. Does it matter that human rights NGOs often represent particular, and often minority, interests?
2. International human rights law typically permits states to limit freedoms of association and speech on grounds that include protection national security and preserving public order. As such, what is wrong with Russia’s ‘Foreign Agents’ Law?
3. Should corporations be held directly liable under international law for human rights abuses, and if so, how would they be held accountable?
4. Are extra-territorial laws (such as the ATCA) essential bulwarks against egregious human rights abuses by TNCs, or are they unwelcome and unhelpful incursions upon state sovereignty?
Aim: This session explores group/collective rights in international human rights law. It explores the reasons for the initial reluctance of the international community to recognise collective rights and their eventual recognition and consolidation. The lecture discusses specific collective rights in depth: first, the right to self-determination and then indigenous rights. The lecture discusses the (2007) UN Declaration on the Rights of Indigenous peoples as an instrument focussed on collective rights and in examining the possible limits of such rights. At the same time, the lecture addresses the different treatment of indigenous peoples and minorities by the international community in the recognition of their collective rights.

Essential Readings

- Moeckli, D. et al. (eds.) *International Human Rights Law*, (C 17, McCorquodale, pp. 333-354 [22 pages].
- UN Declaration on the Rights of Indigenous Peoples
- General Comment No 21 of the UN Committee on Economic Social and Cultural Rights, Right of everyone to take part in cultural life, available at www2.ohchr.org/english/bodies/cescr/docs/gc/E-C-12-GC-21.doc.

Further Readings


Discussion Questions

1. To what extent does current international law recognise collective/group rights? Where do you think the limits of such recognition should lie? To what extent do Hannum's arguments on the creation of new rights apply to specific collective rights?

2. Why do indigenous peoples enjoy a wide recognition of their collective rights, whereas minorities enjoy mainly individual rights or individual rights under collective capacity?

3. Should sub-national groups (minorities and/or indigenous peoples) be recognised as having rights to their natural resources in international human rights law?

4. To what extent do groups enjoy the right to self-determination? Should such recognition be expanded?
Aim: This session explores the linkages between poverty and human rights from an international human rights law perspective. It examines the impact that States and other actors may have on creating, exacerbating or perpetuating poverty; addresses the State obligations to respect, protect and fulfil the rights of those living in poverty; and provides practical examples of a human rights-based approach to tackling poverty. The topics that will be covered include: poverty as a human rights issue; the key principles of participation, non-discrimination, transparency and accountability; and the nature and scope of obligations regarding economic, social and cultural rights and their justiciability.

Essential Readings

- Moeckli, D. et al. (eds.) International Human Rights Law, (Marks, C 28) pp. 567-588 [22 pages].

Further Readings

Discussion Questions

1. Is the existence of poverty in itself a violation of international human rights law? If you think it is, which actors do you think bear responsibility for this violation?
2. Do you agree that people living in poverty are more vulnerable to human rights violations? If so, how do you think this affects the monitoring of human rights violations and the creation of effective systems for accountability?
3. What is the added value of a human rights-based approach to poverty reduction?
4. To what extent do courts have the legitimacy and the capacity to adjudicate cases challenging the impact of social and economic policies?
Aim: This panel aims to bring together the key ideas presented throughout this course and propose future developments in international human rights law. A number of panellists will join the Chair, Susan Karamanian.

Readings

There are no readings for this session and the subsequent seminars will run as an interactive revision session.