

# HUMR 4140 Introduction to Human Rights Law

**Lectures:** Tuesdays, 1215-14:00 (except Lecture 2)  
**Coordinator:** Malcolm Langford  
**Principal Lecturers:** Malcolm Langford and Cecilia M. Bailliet  
**Place:** Rom 365 Domus Nova (St. Olavs kvartal).  
Exceptions: Blindern (24 Aug), NCHR (14 Sept and 5 October)

## Textbooks

Henry Steiner, Philip Alston and Ryan Goodman, *International Human Rights in Context* (OUP, 2007).

Catarina Krause and Martin Scheinin, *International Protection of Human Rights: A Textbook* (Åbo Akademi University, 2009), pp. 39-60.

Malcolm Langford (ed.), *Social Rights Jurisprudence: Emerging Trends in International and Comparative Law* (Cambridge University Press, 2008)

## **Lecture 1: International Law and Human Rights: History, Concepts and Trajectory** **24 August (Lecturer: Malcolm Langford)**

Steiner, Alston & Goodman, *International Human Rights in Context*, pp. 58-148.

Charles Beitz, *The Idea of Human Rights* (Oxford: Oxford University Press, 2009), pp. 13-47.

David Kennedy, 'The International Human Rights Movement: Part of the Problem?', *Harvard Human Rights Law Journal*, No. 15 (2002), pp. 101-128.

<http://www.law.harvard.edu/students/orgs/hrj/iss15/kennedy.shtml>

Beth Simmons, *Mobilizing for Human Rights: International Law in Domestic Politics* (2008), pp. 1-22.

Pooja Parmar, Revisiting the human right to water, *The Australian Feminist Law Journal*, Vol. 28 (2008), pp. 77-96.

## Cases and Documents

UN Charter 1945 and Universal Declaration of Human Rights

## **Lecture 2: International Bill of Rights** **31 August (Lecturer: Malcolm Langford)**

Introduction to Public International Law Research, available at  
[http://www.nyulawglobal.org/globalex/Public\\_International\\_Law\\_Research.htm](http://www.nyulawglobal.org/globalex/Public_International_Law_Research.htm)

Steiner, Alston & Goodman, *International Human Rights in Context*, pp. 151-174, 1124-1155.

Oliver de Schutter, "The Status of Human Rights in International Law" in Krause and Scheinin, *International Protection of Human Rights: A Textbook*, pp. 39-60.

Matthew Craven, *The International Covenant on Economic, Social and Cultural Rights: A Perspective on its Development* (Oxford: Oxford University Press, 1995), pp. 1-29.

## Cases and Documents

International Covenant on Civil and Political Rights 1966

International Covenant on Economic, Social and Cultural Rights 1966

**Lecture 3: United Nations Human Rights System**  
**14 September (Prof. Cecilia Baillet, Faculty of Law)**

Steiner, Alston & Goodman, *International Human Rights in Context*, pp 669-835.

Andrew Clapham, "United Nations Charter-Based Protection of Human Rights" in Krause and Scheinin, *International Protection of Human Rights: A Textbook*, pp. 79-104.

Sir Nigel Rodley, "Civil and Political Rights" in Krause and Scheinin, *International Protection of Human Rights: A Textbook*, pp. 105-128.

Malcolm Langford and Jeff King, 'Committee on Economic, Social and Cultural Rights' in Langford, *Social Rights Jurisprudence*, pp. 477-516.

Cases and Documents

Optional Protocol to the International Covenant on Civil and Political Rights 1966

Optional Protocol to the International Covenant on Economic, Social and Cultural Rights 2008

Security Council resolution 1379 (2001) on "Children and armed conflict"

*Rickly Burrell v. Jamaica*, Communication No. 546/1993, U.N. Doc. CCPR/C/53/D/546/1993 (1996).

*Conclusions and recommendations of CESCR: Philippines*, U.N. Doc. E/C.12/1995/7 (1995)

*Draft report of the Working Group on the Universal Periodic Review: Egypt*, Working Group on the Universal Periodic Review, Seventh session, Human Rights Council, Geneva, 8–19 February 2010, [http://lib.ohchr.org/HRBodies/UPR/Documents/Session7/EG/A\\_HRC\\_WG.6\\_7\\_L.16\\_Egypt\\_rev.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session7/EG/A_HRC_WG.6_7_L.16_Egypt_rev.pdf)

**Seminar I: International Criminal Law**  
**21 September (Lecturer: Christian Rannheim, ICC Legal Tools Coordinator, NCHR)**

Steiner, Alston & Goodman, *International Human Rights in Context*, pp 1243-1330.

Antonio Cassese, *International Criminal Law*, pp. 1-75.

ICTJ, *Serbia and Montenegro: Selected Developments in Transitional Justice* (1994), Working Paper pp. 1-13, available at <http://www.ictj.org/images/content/1/1/117.pdf>

Cases and Documents

Rome Statute

*Cases to be announced*

**Lecture 4: Regional Human Rights Systems,  
28 September (Prof. Cecilia Baillet, Faculty of Law)**

Rick Lawson, "The European Convention on Human Rights" in Krause and Scheinin, *International Protection of Human Rights: A Textbook*, pp. 389-424.

Tara J. Melish, "The Inter-American Commission on Human Rights", in Langford (ed.), *Social Rights Jurisprudence*, pp. 339-371.

Frans Viljoen, "African Regional Human Rights System", in Krause and Scheinin, *International Protection of Human Rights: A Textbook*, pp. 503-528.

Cases and Documents (Read instruments from 2 of 4 jurisdictions)

European Convention on Human Rights and Revised European Social Charter

Inter-American Convention on Human Rights and Inter-American Declaration on Human Rights

African Charter on Human and Peoples' Rights and Protocol to the African Charter on Human And Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights

ASEAN Charter (Article 14) and Working Group for an ASEAN Human Rights Mechanism Statement on the ASEAN Charter

*Kozak v. Poland*, Application No. 13102/02, Date of Decision: 2 March 2010, European Court of Human Rights.

*Barrios Altos Case (Chumbipuma Aguirre et al. v. Peru)* Inter-Am. Ct. H. R. Judgment of 14 March 2001 (ser. C) No. 83, par. 1.

*SERAC v Nigeria*, African Commission on Human and Peoples' Rights, 155/96 ('SERAC Case').

**Lecture 5: Human Rights in National Legal Systems  
5 October (Lecturer: Malcolm Langford)**

Steiner, Alston & Goodman 2007 pp. 1087-1123.

Sandra Liebenberg, "South Africa: Adjudicating Social Rights under a Transformative Constitution" in Malcolm Langford (ed.), *Social Rights Jurisprudence: Emerging Trends in International and Comparative Law* (Cambridge University Press, 2008), pp. 475-101.

Sky Mykyta, 'Encouraging a Culture of Justification: A Comparison of *Teoh* and *Baker*', *Deakin Law Review*, Vol. 8 (2003). Pp. 367 - 379.

Cases and Documents

Bill of Rights Extracts  
Water Services Act (South Africa) - Extract

*Baker v Canada (Minister of Citizenship and Immigration)*, [1999] 2 SCR 817

*Government of the Republic of South Africa. & Ors v Grootboom & Ors* 2000 (11) BCLR 1169. (CC)

## **Seminar II: Exercise**

*12 October (Prof. Cecilia Baillet, Faculty of Law)*

### **Lecture 6: Civil and Political Rights**

*26 October (Prof. Cecilia Baillet, Faculty of Law)*

Steiner, Alston & Goodman 2007 pp , 175-262.

Richard Burchill, *Democracy and International Law* (Aldershot, Hampshire: Ashgate Publishing, 2006), Introduction.

#### Cases and Documents

Convention Against Torture

Convention on Disappearances

*TV Vest AS & Rogaland Pensjonisparti v Norway* [2008] ECHR 21132/05 (11 December 2008)

### **Lecture 7: Economic and Social Rights**

*2 November (Lecturer: Malcolm Langford)*

Steiner, Alston & Goodman 2007 pp 263-311;

Malcolm Langford, 'The Justiciability of Social Rights: From Practice to Theory' in Langford, *Social Rights Jurisprudence*, pp. 477-516.

Magdalena Sepulveda, "Colombia: The Constitutional Court's Role in Addressing Social Injustice", in Langford, *Social Rights Jurisprudence*, pp. 144-162.

Plus either the India or South Asia chapter in in Langford, *Social Rights Jurisprudence*.

CESCR, *General Comment No. 3 and No. 15*

*Autism-Europe v France*, European Committee on Social Rights, No. 13/2002.

### **Lecture 8: Equality Rights,**

*9 November (Ronald Craig, Senior Advisor, Equality Ombudsman)*

Steiner, Alston & Goodman 2007, CEDAW Section

Sandra Fredman, *Discrimination Law* (2002), pp. 1-26.

Nathalie Prouvez, 'Committee on the Elimination of Racial Discrimination: Confronting Racial Discrimination and Inequality in the Enjoyment of Economic, Social and Cultural Rights', in Langford, *Social Rights Jurisprudence*, pp. 517-539.

#### Cases and Documents

Convention on the Elimination of All Forms of Racial Discrimination

Convention on the Elimination of All Forms of Discrimination Against Women

Convention on the Rights of the Child

Convention on the Rights of Persons with Disabilities

*D. H. v. Czech Republic*

*A.T. v Hungary (CEDAW, 2/2003)*

**Seminar III: Indigenous Peoples Rights,  
16 November (Asbjørn Eide, Emeritus Professor)**

James Anaya, “Self-Determination: A Foundational Principle”, in *Indigenous Peoples in International Law*, 75-96.

Asbjørn Eide, ‘Rights of indigenous peoples – achievements in international law during the last quarter of a century’ *Journal of Indigenous Peoples Rights* No. 4 (2007), pp. 40-82

Cases and Documents:

*UN Declaration on the Rights of Indigenous Peoples*

*ILO Declaration 169*

*Mabo & Ors v. Queensland* (No. 2) [1992] HCA 23; (1992) 175 CLR 1, per Brennan J, (extract)

*Awas Tingis v Nicaragua*, Merits, Reparations and Costs. Judgement of August 31, 2001. Series C. No.79. (extract)

*Ilmari Lämsman et al. v. Finland* (Communication No. 511/1992), Views of 26 October 1994.

**Lecture 9: Extra-territorial obligations, duties of non-state actors  
23 November (Lecturer: Malcolm Langford)**

Mark Gibney and Sigrun Skogly, ‘Introduction’, in M. Gibney and S. Skogly (Pennsylvania: Pennsylvania University Press, 2010), pp.1-9

Marten Den Heijer and Rick Lawson, ‘Extraterritorial Human Rights and the Concept of Jurisdiction’, in M. Langford, M. Scheinin, W. Vandenhole and W. Genugten, *Extra-Territoriality and Economic, Social and Cultural Rights* (forthcoming).

Sarah Joseph, ‘Liability of Multinational Corporations’, in *Social Rights Jurisprudence*, pp.613-627.

J. Cernic, ‘Corporate Responsibility for Human Rights: A Critical Analysis of the OECD Guidelines for Multinational Enterprises’, *Hanse Law Review*, Vol. 4, No. 1, pp. 71-100.

Cases and Documents:

*Banković and Others v. Belgium and Others* (Application No. 52207/99), Decision of 12 December 2001

International Court of Justice: *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation) - Order - Request for the Indication of Provisional Measures*, (n.y.r.), 15 October 2008, § 109.